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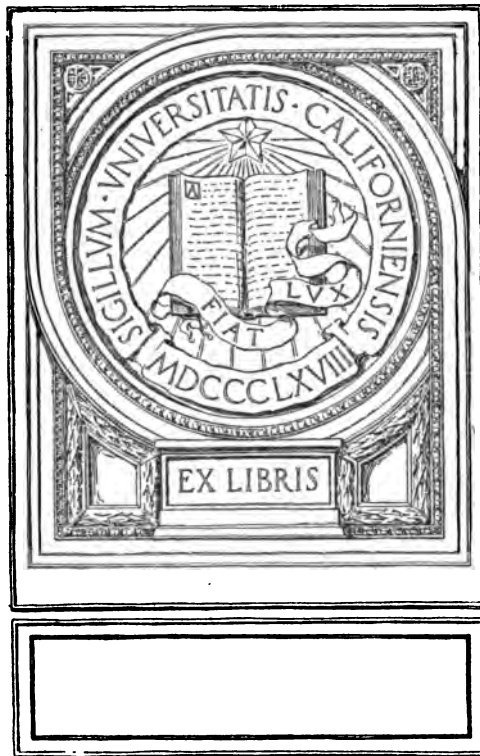
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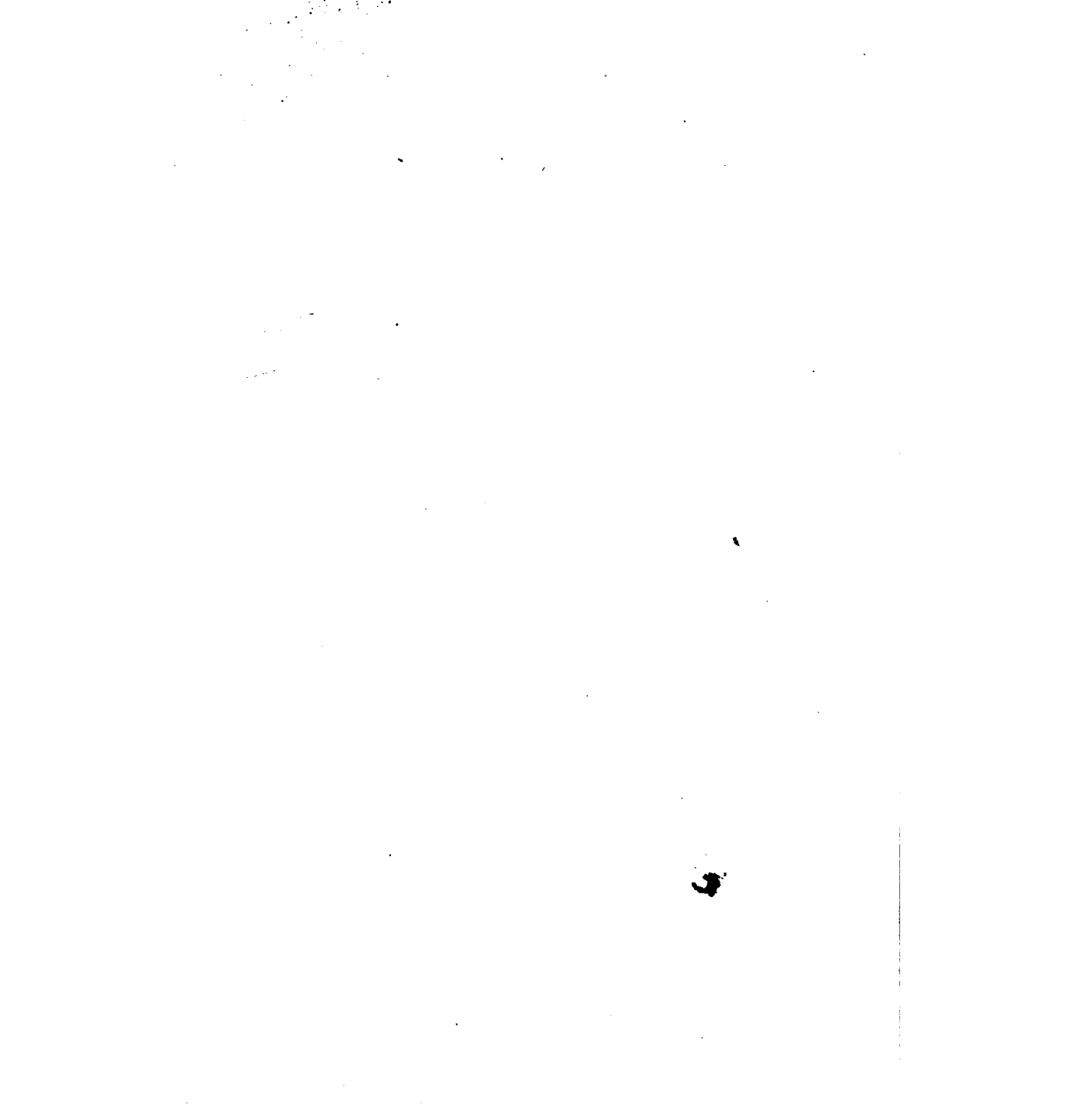
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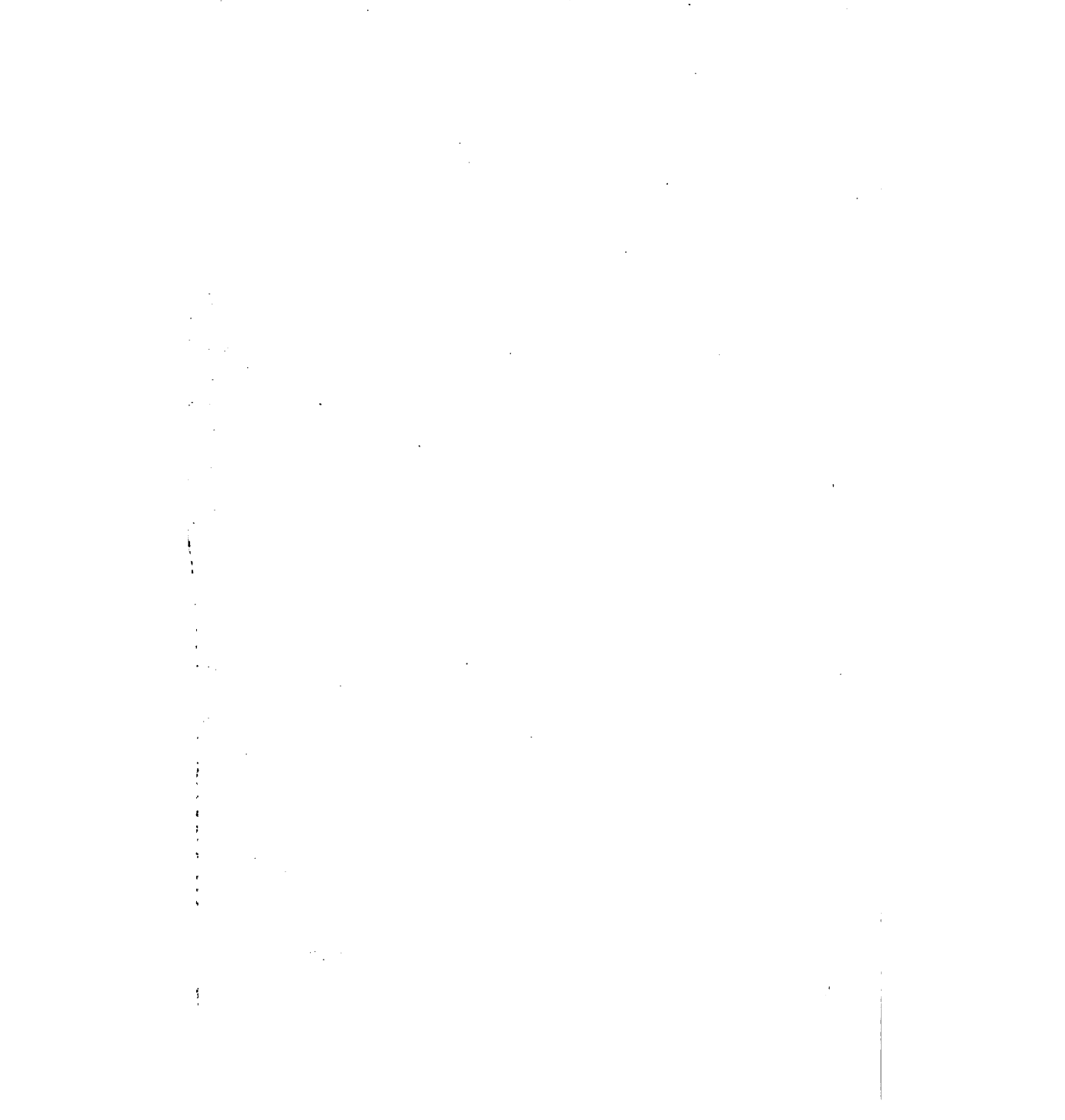
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## **PUBLIC EDUCATION IN DELAWARE**



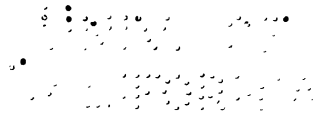


# **PUBLIC EDUCATION IN DELAWARE**

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**A REPORT TO THE PUBLIC SCHOOL  
COMMISSION OF DELAWARE**

**WITH AN APPENDIX CONTAINING  
THE NEW SCHOOL CODE**



**GENERAL EDUCATION BOARD**  
**61 BROADWAY                      NEW YORK**  
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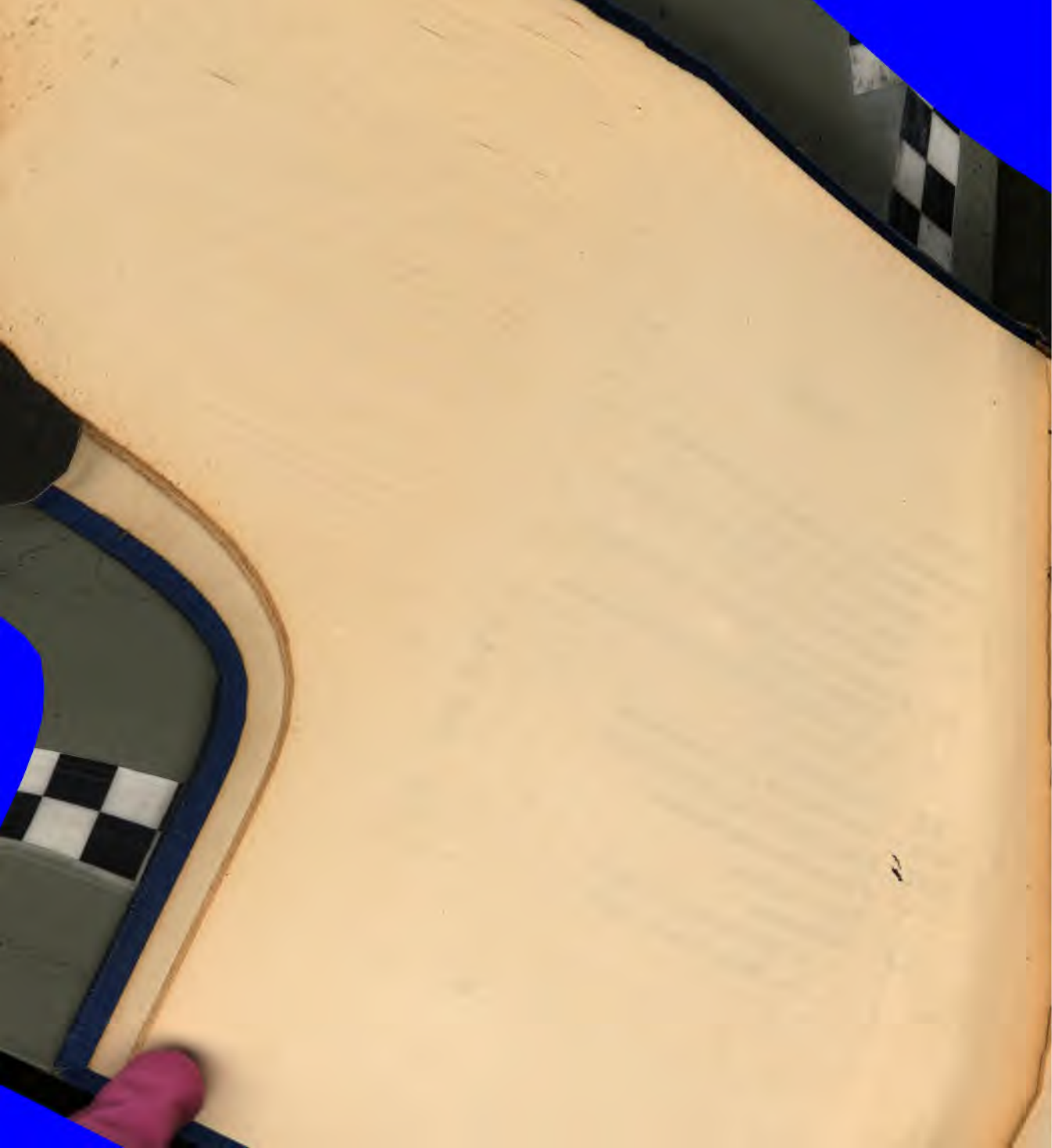
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## PREFACE

The Legislature of the State of Delaware, at the session in 1917, passed an act for the purpose of creating a commission to study educational conditions in Delaware and make recommendations to the Legislature of 1919. The Act of 1917, Chapter 186, which created said commission, read in part as follows:

That the Governor of the State of Delaware be and he is hereby authorized and empowered to appoint a Commission of five members, one from each County of the State and two at large, to make a survey of the public schools for both white and colored children in the State, to study the administration of the said schools, to consider the appropriations made therefor, to investigate the use of the funds so appropriated, to harmonize, unify, and revise the school laws, to develop an educational system suited to the conditions existing in the State, providing for an improved and efficient administration of all free school matters and the training of a competent teaching force, and said Commission is hereby directed to report its findings and recommendations to the Governor, which report shall be transmitted by the Governor to the General Assembly at its session of 1919 \* \* \*

That the said Commission shall have power to arrange the organization and equipment of the survey as it may deem best, to employ and fix the compensation of clerical, professional, expert and other help, to purchase such books and supplies as it may require, and in general to make any provisions for the work as may be deemed necessary and expedient.

The Commission was made up of the following members: Caleb E. Burchenal, chairman; John S. Mullin,

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Frank L. Grier, Joseph Frazier, Henry P. Scott, and the late L. Scott Townsend.

The Commission invited the General Education Board to make the proposed survey and the present volume embodies the report made to the Survey Commission. The appendix contains the new State Educational Code subsequently adopted by the Legislature and signed by the Governor.

## INTRODUCTION

**THE** general assembly of Delaware at its 1917 session authorized the appointment of a commission to survey the public schools and revise the school laws of the state; this commission invited the General Education Board to make the survey; the present volume constitutes its report.

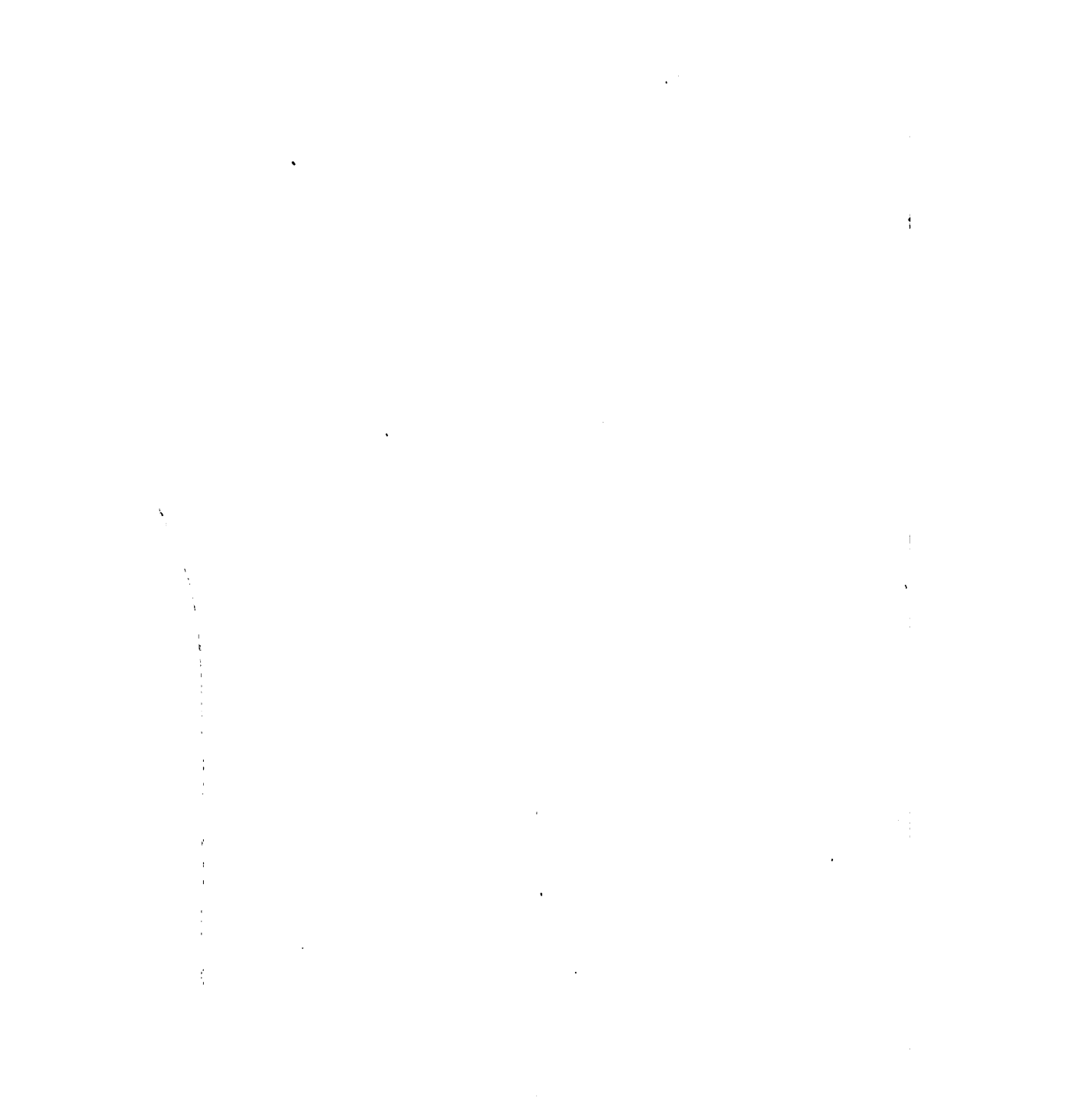
The facts here presented will, it is believed, convince the people of Delaware of the urgent importance of educational reorganization at this time. Delaware is a prosperous state fully able to provide an efficient and up to date school system for the children of the commonwealth. This the state is far, very far, from now possessing. The present school system is not indeed entirely without good features, for which full credit will be given in the course of this report. But, for reasons that will appear, what is good in the state school system is not effective; and over and above the few excellent features in question, the system is in many respects antiquated and undeveloped; its financial support is inadequate, general and local supervision are alike unsatisfactory, the teaching staff is largely untrained, and school buildings are with few exceptions seriously defective. In the following pages, these statements will be substantiated



## INTRODUCTION

and suggestions looking to improvement will be made. It should, however, be understood in advance that the suggestions made in this report are designed to bring about, not an ideal state of affairs, but such improvements as are at the moment desirable and practicable. It is our confident belief that if the recommendations here made are adopted the state will at once obtain an intelligently organized school system; and, what is even more important, conditions favorable to steady educational progress will have been established. From time to time in the future, further steps can readily be taken, as they are recommended by experience and supported by public interest.

## **PUBLIC EDUCATION IN DELAWARE**



# Public Education in Delaware<sup>1</sup>

## I. DELAWARE: ITS PEOPLE AND INDUSTRIES

A STATE school system ought to be planned with deliberate reference to the social and industrial conditions of the state which it is meant to serve. It is therefore important at the outset to learn the salient facts respecting the people of Delaware, their origin, their occupations, and their opportunities.

According to the United States Census of 1910, Delaware had at that date a population of 202,322. The number is now larger, owing especially to the recent rapid growth of Wilmington. The population in 1910 was distributed as follows: Kent County, 32,721; New Castle County (exclusive of Wilmington), 35,777; Wilmington, 87,411; Sussex County, 46,413. The growth between 1900 and 1910 had been small, being only 9.5 per cent., as compared with 21 per cent. in the country at large. This increase was confined principally to Wilmington, which gained 10,903, as compared with a gain of 6,684 in the rest of the state; in this decade New Castle County (exclusive of Wilmington) increased 2,588, Sussex County increased 4,137, while Kent County lost 41.

<sup>1</sup>The schools of Wilmington are not included in this study.

## PUBLIC EDUCATION IN DELAWARE

Delaware is largely a rural state. There were in 1910 in the entire commonwealth only four places having a population of 2,500 or more: Wilmington, with a population of 87,411; Dover, with 3,720; Milford, with 2,603; and New Castle, with 3,351. Forty-eight per cent. of the population of the state live in these four towns—43 per cent. in Wilmington, and 5 per cent. in Dover, Milford, and New Castle. The remaining 52 per cent. of the population are rural. There has been little change in the proportion of urban and rural dwellers since 1900. The generally rural character of the state becomes apparent, however, only when Wilmington is excluded: 92 per cent. of the population outside of Wilmington live in small villages or in the open country.

The population is composed almost entirely of two races—whites and negroes—171,102 or 85 per cent. white, 31,181 or 15 per cent. negro; there were, besides, only 39 Indians, Chinese, and Japanese.

Of the white population, 75 per cent. are native born of native parentage, 15 per cent. are native born with one or both parents foreign born, and 10 per cent are foreign born, the foreign born white population being confined almost entirely to Wilmington. Outside of Wilmington 96 per cent. of the white population are native born, and only 4.0 per cent. foreign born. It is also interesting to note that two thirds of the entire white population were born in Delaware. Thus, the schools of Delaware, particularly those outside of Wilmington, deal with an unusually homogeneous and stable white population.

The negro population (31,181) is increasing, though slowly, having gained less than 3,000 since 1890. Its distribution in 1910 was as follows: Kent County, 7,561, or 23 per cent. of the total population of the county; New Castle County (exclusive of Wilmington) 6,601, or 18 per cent.; and Sussex County, 7,938, or 17 per cent.

The people of Wilmington are engaged in pursuits and occupations incident to modern commerce and industry on a large scale; the rest of the state is engaged in general and diversified agriculture, particularly vegetable and fruit growing, and closely related industries, such as fruit canning. Trades and professions are represented in the smaller cities and villages to the extent that they are required by the needs of such communities.

The schools of Delaware thus serve two races—white and colored. Those outside of Wilmington—and this report deals with those only—serve a homogeneous, stable American population, distinctly rural, occupied particularly in the production of vegetables, in orcharding, and in related industries.

The educational needs of a people composed primarily of native stock and so engaged are well known and clearly defined. Are the schools of Delaware meeting these needs satisfactorily? What changes are called for, if any, in organization, supervision, teacher training, financial support, etc., that the schools may serve the state more effectively? To answer these and kindred questions is the object of this report.

## II. PRESENT SCHOOL SYSTEM

**T**HE administration of the schools of Delaware is centered in three boards: the state board of education, the county school commission, and the district school committee in rural districts corresponding to the board of education in incorporated districts.

Theoretically, the state board of education, consisting of seven members appointed by the governor, stands at the head of the system. It is, in the words of the law, the function of this board "to systematize and harmonize the work in the various free schools of the state, to render said schools more useful and efficient and to raise the standards of instruction and education therein." To these ends the state board of education has power to formulate courses of study, to select textbooks, and to prescribe rules and regulations controlling the certification of teachers, the sanitary equipment and inspection of school buildings, etc. It may require records and reports from school officials and teachers, investigate the condition of the schools, recommend school legislation to the governor and general assembly, and may employ such other officers, besides its secretary, as are needed. Indeed, as far as the letter of the statute goes the state board of education possesses blanket powers to

take such action "as it may deem necessary and expedient to promote the physical and moral welfare of the children of the free schools of this state." We shall shortly see, however, that these powers are in the main nominal, rather than real. The state commissioner of education, appointed by the governor with the consent of the senate, acts as the secretary of the state board of education and is in a sense its executive officer.

The county school commission, consisting of three members appointed by the governor, has, theoretically, jurisdiction over all schools of a county, both white and colored. To this end, the county school commission is authorized to visit all schools, to observe and question teachers concerning their methods of instruction and discipline, to act as a sanitary commission over school property, to lay out the boundaries between school districts, to hear complaints of patrons and teachers, and to confer with and aid the county superintendent. How far the commission is in position to make its action effective, and how it is related to the state board will appear in another chapter.

The county superintendent, also appointed by the governor, but with the consent of the senate, though not an officer of the county school commission, is its agent as far as it has an agent. He advises with the district committees about improvements in grounds and buildings and in reference to the appointment of teachers. He counsels with teachers as to the organization of their schools, their instruction, and discipline. Subject to



the authority of the state board of education, he also examines teachers and nonresident pupils, holds the county institute, directs the reading and study required for the renewal of certificates, and makes reports to the state board of education regarding his activities.

The title of the local administrative body varies. If the school is in the open country or village, its administrative body is the district school committee, and there is usually one such committee for each schoolhouse. Incorporated districts have boards of education. Strange to say, however, neither the district committee nor the board of education administers all the schools within its respective territory; for separate boards or committees are set up to have charge of schools for colored children. Indeed, if we may so far anticipate, white and colored schools are not only separately administered, they are, as far as local support goes, separately financed—the white schools enjoying all local revenues accruing from taxation upon the person and property of whites, the colored schools existing on the scanty proceeds from the taxation of the person and the property belonging to negroes. Thus, practically, there are two separate school systems, one for white, the other for colored children. No such anomalous and undemocratic arrangement can be found in any other state of the union.

The powers and duties of the local boards are much the same. The district school committee or board of education holds the annual school elections, calls special elections, levies and collects the local school taxes, borrows



Typical Village School



Exceptionally Good Rural School



money and issues bonds on the credit of the district, provides school grounds, equipment and buildings, employs teachers, fixes their salaries and dismisses them for cause, determines the length of the school year in excess of the required minimum, and prescribes rules and regulations for the conduct of the schools and for safeguarding the health of the pupils. In a word, subject to the approval of a majority of the patrons, and in a fashion to the authority of the state board of education, the local boards exercise complete control within their respective districts. However, this control, as we shall see, is not of a kind to be helpful in the solution of daily school problems, nor is it effective as a stimulus to improvement.

In the foregoing description three facts stand out prominently: First, the state board of education, the commissioner of education, the county school commission, and the county superintendent all represent the state. The governor appoints them all, and the state pays their salaries and contingent expenses. On the other hand, the district school committee or the local board of education is elected by the people and thus represents the people of the districts concerned. Second, while the state board of education, the county school commission, and the county superintendent have large powers, they have no way of making really effective use of them; they can issue regulations, but do not have the machinery needed to enforce them. The power of direct action, belongs almost wholly to the district school committee

or local board of education, both of which thus possess preponderant influence over the schools. Third, the number of local boards and board members is very large. The white schools are governed by 292 district school committees, with a membership of 876, and by 44 boards of education, with a membership of 259; the colored schools are in the hands of 88 district school committees, with a membership of 264. Delaware, with three counties, thus has 424 local school committees or boards of education, and a total of 1,399 local administrative officials.

The schools over which these boards preside are of two grades—elementary schools, grades 1 to 8, inclusive, and high schools. Of the 44 incorporated districts 29 support high schools. Besides these 29 high schools, there were, in 1917-18, 336 elementary white schools and 90 elementary colored schools. The white schools altogether employed 620 teachers and enrolled 19,684 pupils, with an average daily attendance of 12,453. The colored schools employed 114 teachers and enrolled 4,479 pupils, with an average daily attendance of 2,093. Altogether there were, thus, outside of Wilmington, in 1917-18, 734 teachers and an enrollment of 24,163 pupils, with an average daily attendance of 14,546.

The total current expenditures on white schools during the school year 1917-18, exclusive of Wilmington, was \$400,126.37, which is equal to a current per pupil expenditure on total enrollment of \$20.33, and on average daily attendance of \$32.13. The total current expendi-

## PRESENT SCHOOL SYSTEM

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ture on colored schools was \$37,126.81, or a current per pupil expenditure on total enrollment of \$8.29, and on average daily attendance of \$17.75. The combined current expenditure was, therefore, \$437,253.18, which is a current per pupil expenditure on total enrollment of \$18.10, and on average daily attendance of \$30.06.<sup>1</sup>

<sup>1</sup>See Appendix, Table XIII, page 108a.

### III. STATE BOARD OF EDUCATION AND COMMISSIONER OF EDUCATION

**I**N PLACING at the head of its system of public education a state board of education and a commissioner of education, Delaware follows the most approved practice. Education has advanced most satisfactorily in those states in which a judicious combination of state and local authority has been effected. A proper degree of local responsibility insures the interest, effort, and pride of the community in which the school is located; the influence of the state makes for unity of design and for uniformity in standards and opportunity.

Delaware has had a state board of education since 1875. From 1875 to 1911 the board was ex-officio, composed usually of the governor, the president of Delaware College, the secretary of state, and the state auditor. It had up to 1898 little authority and performed only a few specified routine duties. In 1898 larger powers were conferred but without materially changing the situation. In fact, ex-officio boards of this character have perhaps nowhere functioned effectively. As now constituted the state board of education has existed only since 1911, it has had the assistance of a commissioner

of education only since 1913.<sup>1</sup> In its present form, therefore, the Delaware state board of education is of recent origin.

In these five years, the board has initiated a number of significant activities. A state course of study has been published; high schools have been classified; a new textbook list has been adopted; better training for teachers has been encouraged through opening a summer school for teachers at Delaware College and through securing state aid for teachers who attend summer schools; a statewide campaign for better school attendance has been carried on; a campaign has been conducted for the consolidation of schools and for state aid for consolidated schools; and a comprehensive program of school legislation was presented to the general assembly of 1917. The last year has been devoted particularly to the formulation of new rules for the certification of teachers, to putting into effect the law on the importation of dependent children, and to applying the Smith-Hughes law. Most of these measures are, however, so new that their beneficial effects are not yet evident. Thus, for example, the campaign for consolidation has so far resulted in a single instance of consolidation—the Cæsar Rodney School. Naturally enough, in the brief period under consideration, the board has not been able to make use of all its powers. It has not, for instance, prescribed rules and

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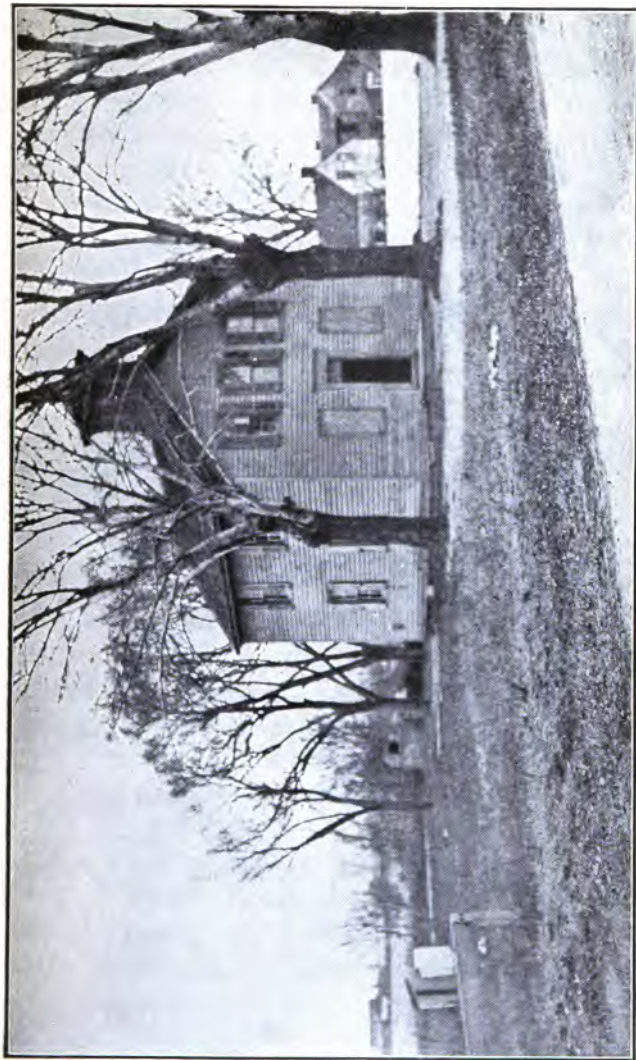
<sup>1</sup>The office of commissioner of education was created in 1875 under the title of state superintendent; it was, however, abolished in 1887 and not restored until 1913.



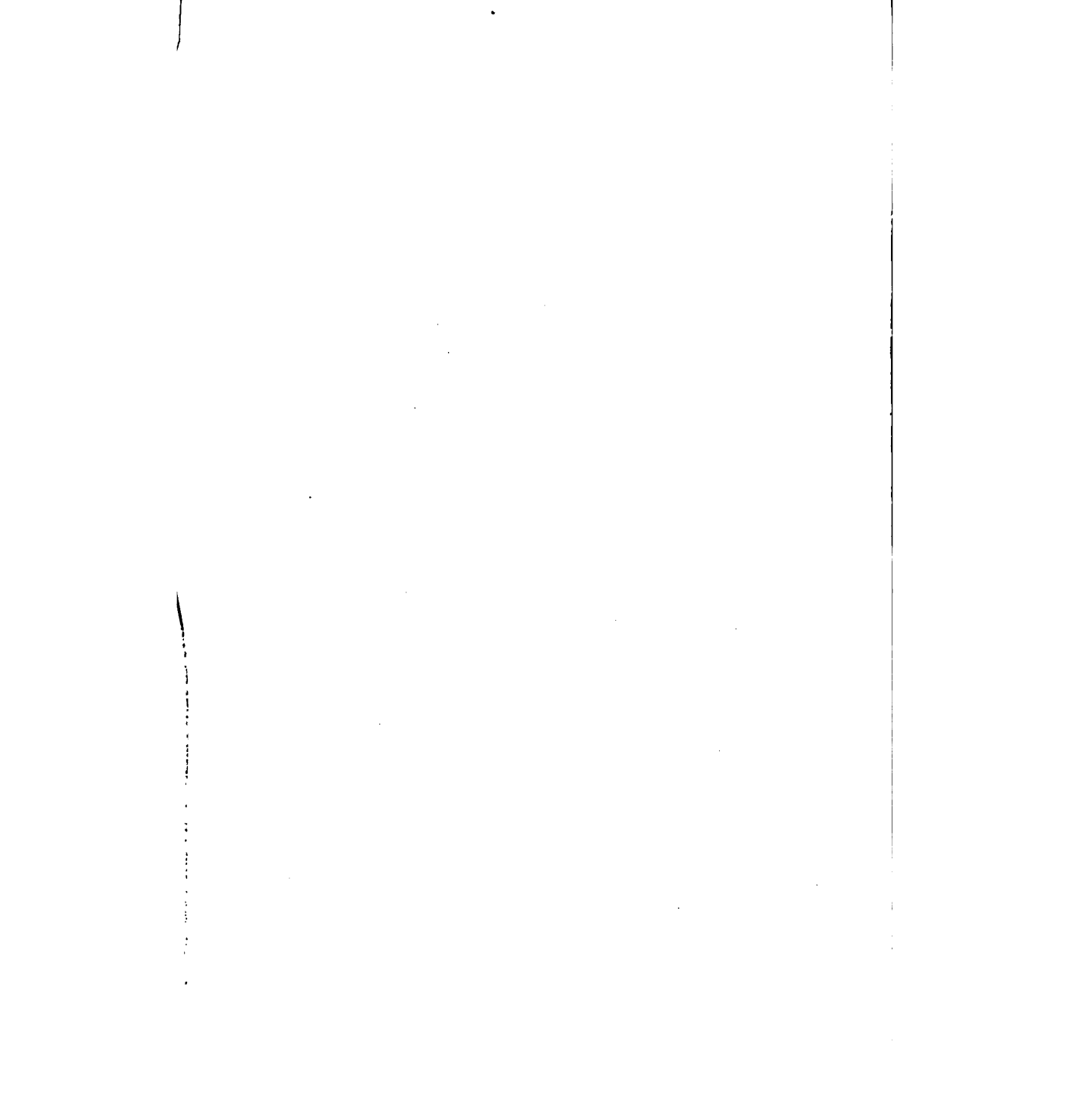
regulations for the sanitary equipment and inspection of school buildings.

Time alone will not, however, make the present board an effective body. It is not, as a matter of fact, constituted nor are its functions defined on sound educational or administrative principles. A board of education meeting three or four times a year for a few hours at a time cannot be charged with originating or itself executing policies, nor can it undertake to decide and supervise matters of detail. These are functions and duties which properly belong to a paid expert executive—a commissioner of education—who devotes all his energy and time to his work. There is, however, another type of public service, in a high degree valuable and important, which a state board can perform, viz., it can represent the people in large matters of educational policy, keeping the viewpoint of the layman and the needs of the people before the executive. The state board thus becomes a criticizing, suggesting, and reviewing body which its expert executive must consult and convince in all matters of moment. Such a board cannot take the place of or supersede its executive officer, but it can make sure that he does his duty and it can enormously assist him with suggestion and counsel.

A lay board, whose members have been selected by the governor with these ends in view, is likely to prove the most effective instrument for this purpose. We have already briefly touched on the objection to an ex-officio board—its members may or may not be really interested



Old Type Village School



in education; in any event, their main responsibility lies elsewhere, and they are brought together only, as it were, accidentally, for brief terms, to act on educational matters. The present board is an undoubted improvement on the ex-officio board; it is, however, open to criticism on the ground that, containing, as it does, professional members, it is liable to regard questions of policy from an academic rather than the popular point of view.

The present situation is also defective in consequence of a confusion between powers properly belonging to the state board and powers properly belonging to its executive officer, the state commissioner of education. This confusion is due to the fact that the state board of education obtained many of its present powers during the period when there was no state superintendent. When the office of superintendent was restored in 1913, the power of appointment was vested in the governor with the consent of the senate. The board retained the powers previously assigned to it; while the commissioner of education became its ex-officio secretary, he bears no other legal relation to it nor is he responsible to the state board, although that board prescribes his duties. We therefore have this incongruous situation: On the one hand, a state board with large powers and duties, but without a fully responsible executive; on the other hand, a commissioner of education, who is an executive without real responsibility or power. Fortunately, the state board and the commissioner have in most instances thus far worked in harmony. Nevertheless, the law obviously requires

revision. The state board of education should select a commissioner of education, who should be its responsible executive, with full powers of leadership, while the board itself should be vested with powers of suggestion, review, and final approval.

We have called attention to the fact that the state board lacks effective means of enforcing its authority. The state auditor, in settling the accounts of school officers, and the state treasurer, the trustee of the school fund, in making the apportionments of state moneys are indeed supposed to follow the rules and decisions of the state board of education, but the authority and influence of these officers can be and are at best only nominal. They can do little beyond inquiring (1) whether the schools have been in session the minimum of 140 days, and (2) whether the minimum tax of \$100 has been raised. The auditor's settlement, coming at the close of the school year, cannot affect the past; the state apportionment by the state treasurer and the trustee of the school fund is made at the beginning of the school year, and promises for the future are, almost without exception, accepted in good faith. In practice, therefore, the state board of education has no way of enforcing the school laws or its regulations; indeed, it has only nominal control over the county superintendents, and none at all over the county school commissions. Thus, in effect, the state board of education, with all its powers, becomes little more than  
 )) an advisory body. A school officer, for example, may commit malfeasance—the state board is powerless to

act. Teachers may be employed without licenses—the state board can only protest. Plans for a new school building may run counter to the principles of good school architecture, or a schoolhouse and outbuildings may endanger the health of pupils—the state board can only counsel. Clearly, the state department of education should possess the power to enforce the school law and such regulations and decisions as the law empowers the department to make.

To this end the state department requires financial support on a proper basis. The sum of \$2,000 appropriated by the state annually would be insufficient even for the contingent expenses of the state board, but out of this sum the board pays part of the incidental expenses of the three county superintendents and also supplements the expense fund of the commissioner of education, itself only \$300 a year. In consequence, the state department of education has not now and never has had proper quarters or an adequate clerical force. Its office force is usually limited to a single stenographer. For years it has occupied two or three small office rooms, which have to be vacated each second winter for months at a time, when the general assembly meets. The equipment consists of two flat top tables, two office desks, and a few chairs; the board owns two typewriters, a motor-driven mimeograph, one large and one small filing cabinet, and a bookcase.

It is therefore not surprising that such records, documents, and summarized information as would throw light

on the growth and development of the system and on the present condition of the schools are almost entirely lacking. The state board has simply never been in position to collect and file such records and documents or to make the necessary tabulations. By dint of effort, the board succeeds at intervals of about ten years in preparing and publishing a more or less comprehensive report, but the data contained in these reports, given, as they are, in detail, without summaries, are of little use. Strange as it may seem, the board does not even possess a complete file of its own reports nor are these to be found in the archives of the state. The public school system of Delaware is consequently uninformed about itself and public school officials lack the data essential to wise planning and effective administration.

Elaborate quarters and a large budget are not called for, but the state board and the commissioner of education should be provided with permanent quarters and equipment adapted to their needs. The office force should include at least two stenographers for correspondence, one record and filing clerk, and a statistical assistant.

To conclude, changes are obviously required in the state department of education if it is to become efficient. Appointments to the state board should be limited to laymen. The state board, not the governor, should choose the commissioner of education. The commissioner of education should be the board's responsible executive. The board should be in position to enforce the

school laws of the state and its own rules and regulations. The commissioner of education, chosen by the board, should be vested with full power of leadership, and the board, as such, should exercise its power through suggestion, review, and final approval. Finally, the financial support of the department should be increased sufficiently to provide ample quarters, an adequate office force, the necessary contingent expenses, including the expense connected with the publication and distribution of an annual report and occasional special reports.



#### IV. COUNTY SCHOOL COMMISSIONS AND COUNTY SUPERINTENDENTS

**E**ACH of the three Delaware counties has a county school commission created by statute in 1898. The commission has three members, appointed by the governor for terms of three years. Not more than two of the three may be of the same political party. As a rule, only laymen are appointed. The state pays a maximum of \$100 a year to each member for his services and traveling expenses. Four regular meetings are required annually and there are also occasional special meetings. One member acts as secretary, but the minutes are fragmentary and incomplete. Like the state board of education, as we shall see, the county school commission has, as far as the language of the law goes, large powers. But, as in the case of the state board, these powers are largely nominal.

To illustrate: Subject to the regulations and oversight of the state board of education, the county school commission is charged with the supervision of all the schools of the county—white and colored. To this end, the county school commission is authorized to visit the schools, observe their work, and question teachers concerning methods of instruction and discipline. It is

plainly impossible for busy laymen themselves to give much time to visiting schools, or to pass judgment on the technique of instruction. The commissioners are wise enough not to attempt it. The county commission could supervise only through paid supervisors, but they have neither money nor authority to employ them. Again, the state has quite properly authorized the county school commission to act as a sanitary board over school property. Although a lay commission may not be expected to know in detail the principles of good school architecture, its judgment on sanitary conditions and on needed repairs and improvements is generally sound. But in this field, where the county commission might give valuable service, it is rendered almost impotent, since it has no direct power to enforce its decisions.

Thus vested, on the one hand, with duties which, from their very character, lay commissions cannot perform, and, on the other hand, deprived of the power of direct action in the field where they might do a real service, the county school commissions settle into a perfunctory existence. At intervals, questions about the boundaries between school districts arise for settlement; now and then disputes between the officers of different districts, or between officials and teachers, come up for decision. Conferences are also occasionally held with the district committees of colored schools as to how best to apply the \$1,000 which the state occasionally appropriates to each county for the special improvement of school-houses for colored children. Once a year the commis-

sioners are expected to make a tour of a week or ten days, with the county superintendent, to inspect school grounds and buildings so as to make recommendations for improving them to the district boards. Some time is also given to conferences with the county superintendent. These activities are well enough in themselves, but after all they are not fundamental. It is therefore clear that the county school commissioners are not in position to assume leadership in county educational affairs, or to exert a positive, unifying, and progressive influence on the development of the schools.

The actual head of the county's educational organization is the county superintendent—an official who, curiously enough, is practically independent of the county board. He is, in fact, a state officer, for he is responsible to the governor, by whom, with the consent of the senate, he is appointed. The law, indeed, requires the county superintendent to attend the meetings of the county commission and to make such reports as it may request, just as it authorizes the county commission "to confer with him and aid him concerning the methods and systems which he has adopted or desires to introduce into the schools." On neither side is this relationship vital. The county superintendent is really closer to the state board of education, for he is required to attend its meetings, to make such reports as it may require, and to execute any reasonable request it may make.

The county superintendents hold office for two years; the salary paid by the state has recently been increased



Typical Village Schoolroom



from \$1,200 to \$1,600. The state contributes about \$500 annually toward traveling expenses, and from the state board of education they receive a small sum for contingencies—utilized mainly in enforcing the compulsory attendance law. These sums are altogether inadequate, particularly in view of the fact that superintendents are compelled to buy and maintain their own conveyances. Office accommodations are largely a matter of chance. The superintendent of New Castle County has an office, with the school commission, in the county building at Wilmington; the state provides the superintendent and commissioners of Kent County with an office in the capitol building at Dover; while the superintendent and commissioners of Sussex County have only an improvised office which the superintendent has fitted up in his home, mostly at his own expense. The superintendents have no regular assistance of any kind.

The county superintendent in Delaware is a supervisory and not an administrative officer. He has nothing to do with business and administrative school matters, except as the local school officials voluntarily appeal to him for help in finding a teacher or for advice regarding the erection of a new building, repairs or improvements. This sort of consultation is becoming more frequent.

The principal duties of the county superintendent as a supervising official are these: (1) the certification of teachers; (2) the supervision of instruction; (3) the improvement of teachers in service; (4) the enforcement of

the compulsory school attendance law; (5) the collection of school statistics; and (6) the development of public educational sentiment. Unfortunately for our purposes, two of the three county superintendents took office as late as July, 1918. Our description of the work of the superintendents applies therefore mainly to the superintendent who has been in the service almost a decade.

While the state board of education prescribes the conditions on which certificates are issued, the county superintendents conduct the examinations, and, until this year, read and graded all the papers of candidates in their respective counties. For example, the superintendent of Sussex County in 1917-18 examined and read, with very little outside assistance, the papers of 196 white and 10 colored teachers; 62 of the white teachers were examined twice in certain subjects. Similar data are not available from the other counties, but the numbers examined were probably not so large. The reading and grading of papers in such numbers is a grueling and time consuming task, of which the superintendents should be relieved—in the first place, because they can employ their time to better advantage, and, again, because they should neither be exposed to the pressure frequently exerted to secure certificates for local candidates, nor handicapped by the opposition often aroused when local candidates fail. But there is a fundamental objection to the present practice. The certification of teachers is a state function, and as long as there are four

different portals to teaching—the state board and the three county superintendents—uniformity in standards cannot be obtained.

Again, the law requires the county superintendent to spend with each teacher at least two hours annually, observing her work and assisting her, “to the end that improved methods of instruction and discipline are introduced in the schools.” It is, however, humanly impossible for a single superintendent to fulfill more than the letter of this law. New Castle County has, for example, a total of 197 teachers, 168 white and 29 colored, scattered over an area of 425 square miles.<sup>1</sup> Kent County has a total of 235 teachers, 191 white and 44 colored, scattered over 617 square miles; and Sussex County, a total of 302, 261 white and 41 colored, scattered over 913 square miles. In Sussex County the most the superintendent can do is to visit all the teachers, white and colored, once a year for an hour to an hour and a half, with an occasional short return visit when there is special need. To systematize observations and suggestions, the state board has prepared a blank covering a number of vital points in instruction—the use of school time, the care of children’s health and comfort, etc. Such a blank is valuable both in directing the superintendents and in making clear to the teachers what is expected of them. The reports which the superintendents have on file, and the consolidated monthly reports to the state board, show that the superintendents

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<sup>1</sup>This allows 10 square miles for Wilmington.



are earnest and conscientious in endeavoring to carry out the law. But it is evident that the amount of attention that the superintendent can give to any one teacher is too brief to be very helpful. At most, he can make a few pertinent suggestions, leaving the teacher to apply them as best she can.

Other common and well tried means of improving teachers in service are employed—teachers' institutes, group meetings at convenient centers during the school year; and, more recently, the six weeks summer school, at state expense. While these devices are all valuable they are far inferior to personal supervision, of which, as we have seen, there is in Delaware relatively little. Without proper supervision, the teacher is left unaided and alone to face the problems and difficulties of school management. In fact, good supervision is so important that, whatever else may be done—the school year lengthened, better school buildings and more generous equipment supplied, salaries raised, etc.—little improvement in instruction can be expected in the rural districts of Delaware, until intelligent supervision is provided. To this point we shall have occasion to return again and again in succeeding chapters.

Of the remaining duties of the county superintendent, the most important is the enforcement of the compulsory school attendance law—a responsibility which he divides with the district school committee and local boards of education. The law permits district committees and boards of education to appoint attendance officers,

but there is not a single attendance officer in all Delaware. In the absence of regular attendance officers, the law authorizes the clerk of the district committee or board of education to act in that capacity. Naturally, the school clerks, with rare exceptions, do nothing, for officials already otherwise occupied cannot be expected to perform such services. The entire responsibility thus ultimately falls on the superintendents. Yet, without the necessary information, without clerical assistance, without a developed public sentiment, it is impossible for them to accomplish much. Obviously, a complete and up to date school census, that is, a list of all the children of compulsory school age, is the primary requisite. But Delaware takes no such census. The school clerk is supposed to report to the superintendent at the beginning of the school year all children of compulsory school age in his district, for which service he receives a dollar for each 100 names or fraction thereof. But, even after they have been corrected and supplemented by the teachers, these lists are incomplete and unreliable. Nevertheless, they furnish all the information that superintendents possess. It is therefore not surprising to find that large numbers of children are irregular in attendance. The separate school districts are too small to employ attendance officers, school clerks cannot be expected to enforce the law, and the county superintendents have neither the necessary information nor the necessary time. It should, however, be added that under the leadership of the commissioner of educa-

tion the county superintendents have recently been exceedingly active in arousing the public to the importance of more regular school attendance.

Finally, schools cannot be properly managed except in the light of full knowledge of educational conditions and needs. The school law of Delaware, recognizing this fact, specifically charges the county superintendents with the collection of school statistics. In consequence, there are on file in the office of each superintendent the names of the clerks of the several school districts, a list of the teachers employed, of the children of compulsory school age, as far as known, and a record of the last visit to each school. These data, important as far as they go, are far from covering the ground. There are no reports on enrollment and attendance, on ages and the grades of children, promotion and non-promotion, no examination records, and no complete financial statement. In short, the county superintendents are without definite, organized information on most of the important aspects of school work. The public is of course uninformed, for the superintendent issues no annual report, although two superintendents have in recent years made special reports on school buildings in New Castle and Kent counties. The failure of the superintendents to collect and file the information that should be found in such offices is due partly to the fact that they are supervisory and not administrative officers, partly to the fact that they are without clerical assistance and without filing facilities. Meanwhile, the information in question

is essential to good supervision and effective administration.

To conclude: The county school commissions do not occupy a position of leadership in county educational affairs and cannot exert a decisive control over the schools. The county superintendents are practically the sole centers of county-wide influence. Yet even they are at present in no position to effect any marked improvement in public education. The relations between the county school commission and the county superintendent must be revised, the powers of both greatly increased, and means of enforcing a progressive school policy provided.

## V. DISTRICT SCHOOL COMMITTEES AND BOARDS OF EDUCATION

**T**HE district school committees and local boards of education are the bodies most closely in contact with the schools. The distinction between them is not fundamental. The former has jurisdiction over a rural district, which usually contains a single one room school; the latter, over an incorporated district, usually a town or city, although there are a few incorporated districts in the open country. The district school committees operate under the general school laws of the state, and are uniformly composed of a clerk and two members, elected by the people for terms of three years. Boards of education, on the other hand, while subject to certain sections of the general school law, usually operate under separate special acts. While these acts have some features in common, no two are exactly alike. Boards of education thus differ more or less as to membership, mode of election, terms of office, powers to acquire and hold property for educational purposes, to raise money, etc.

Local committees and local boards of education might, under a proper system, be important factors in developing good schools. But the power of the local school

## COMMITTEES AND BOARDS OF EDUCATION 31

authorities is so limited that they can scarcely do more than keep the schools alive; to advance their efficiency is next to impossible. The reasons are plain. The law imposes on local committees and boards various duties in the way of general direction, inspection, and supervision. For example, they are expected to (a) prescribe rules and regulations for the conduct of the schools, (b) prescribe rules and regulations safeguarding and promoting the health of the children, (c) see that all children are instructed in physiology and hygiene, (d) see that the constitutions of the United States and Delaware are taught, (e) see that each school is provided with a flag and with maps of the United States and Delaware, (f) visit the schools at least four times a year, etc. Lay school officials, mostly without executive assistance, cannot themselves perform such duties. Meanwhile, the local units are, with rare exceptions, too small and therefore financially too weak to employ as their agents superintendents or supervisors who might administer and oversee.

Again, the powers of local school authorities over business matters—power to provide grounds, buildings, and equipment, employ teachers, fix their salaries, dismiss them, etc.—are apparent rather than real. Power really rests with the voters of the district. For example, the district school committees cannot actually engage a teacher, cannot provide school grounds and buildings, without a majority vote of the district. On their own initiative, they can levy and collect annually only \$100;

the voters of the district must sanction every additional cent. Thus a popular referendum must be taken as to whether a teacher's salary shall be increased from \$45 to \$50 a month, whether a heater shall be purchased, or the schoolhouse repainted. The necessity of submitting to popular vote almost every detail of school management involving expenditure results in educational paralysis. Here and there the members of a district committee carry on a continuous campaign among their neighbors for greater liberality in school expenditure. But most committees are content to follow the line of least resistance—that is, they conduct the schools at a minimum cost to the taxpayers. Active men, capable of bearing responsibility, are reluctant to accept a post to which so little genuine responsibility is attached.

Boards of education are in practically the same position. The amount of money they can raise is strictly limited. One board has power to employ only a single teacher. At every session of the legislature bills are introduced to increase the money raising power of the school boards, but even in such cases, the proposal usually falls short of the pressing needs of the schools at the time.

We have already called attention to the fact that a rural school district is usually limited to a single room school. As a result of this extreme subdivision, Delaware is divided into 292 white school districts, 88 colored districts, and 44 incorporated districts, a total of 424 small educational republics, managed by 1,399 school officials,



Typical Rural School





who, with the exception of the clerks, serve without pay. In creating these 424 independent educational units, one question has been asked: Are there enough children in the proposed district to warrant the building of a one room schoolhouse and the employment of one teacher? Now, a school in the full sense of the term is decidedly more than merely a rectangular room and a teacher. No district, large or small, should be a separate school unit unless it is large enough to perform the functions of a separate educational unit, that is, financially able, after contributing its due proportion to financing the educational program of the state and county, to provide schools of a standard elementary and high school grade, with adequate grounds, buildings, and equipment, well trained teachers, and the requisite administrative direction and control. On this basis, not to exceed two or three of the largest towns in any one of the three counties could qualify as a separate school district. Created without regard to educational requirements or financial ability, the 424 educational units of Delaware, having no responsibility for the status of education in the state, the county, or even in the adjoining district, go their own way, thinking narrowly of their own educational needs.

No wonder that popular interest in education is slight. The annual district school meeting is, with occasional exceptions, poorly attended, unless strong differences of opinion arise over the choice of a teacher or additional school expenditures. Otherwise, not more than one

in six voters is present. Indeed, the usual number in the rural districts is about ten,<sup>1</sup> including the three school officials. In one instance, when the annual district meeting was called to order, only two patrons were present—a father and his son-in-law, both members of the district school committee; they elected a son of the father to the committee as clerk and then proceeded to employ the daughter of the father—although she had no certificate—as teacher for the ensuing year.

Unsupported by anything approaching an active interest in education, the district school committees and local boards of education are similarly perfunctory in their attitude. Burdened with duties which they cannot discharge and without power in fields where they might act, what they can do is too petty to attract and hold the interest of strong men. The district school committees rarely hold more than one formal meeting a year. Such other business as they transact is transacted informally as they may happen to meet, now here, now there. Boards of education, with few exceptions, do little better. They as a rule have one or two formal meetings to fix the tax levy and to employ teachers, but subsequently it is impossible, for months at a time, to bring the members together, even when the matters at issue are pressing and important.

Under the district system the amount of effort necessary to carry a reform of even the simplest character is prohibitive. Recent attempts to improve the heating

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<sup>1</sup>See Appendix, Table I, page 99.

of one room schools furnishes an example in point. The old method of heating these buildings is by means of an open stove in the center of the room. While children sitting near the stoves are too hot, those at a distance complain that they are "freezing." A modern heater ensures a uniform temperature in all parts of a room and ventilates it as well. There is no question of the superiority of the heater to the open stove; yet, to introduce heaters into all the one room schools of Delaware it would be necessary not only to convince 325 different district school committees, but also to convince a majority of the voters of each district, for the question of purchasing a heater has to be submitted to the annual district meeting. Faced by this impossible task, it is not surprising that the county superintendents have labored for years to introduce heaters into the rural districts, with only partial success. Under centralized control, it would be necessary to convince only a single board; if the board's decision were favorable, heaters would be promptly introduced, as needed, everywhere.

Again, under the district system, difficult as it is to achieve a progressive end, it is still more difficult to maintain it. To illustrate: A certain district experienced some ten years ago an educational revival. The people constructed and equipped one of the best one room school buildings in the state and engaged a well trained and experienced teacher. For a time they had a good school. But, left to themselves, without effective general or local direction, interest cooled. The schoolhouse is now in

## PUBLIC EDUCATION IN DELAWARE

ill repair, and the school is very poor. At another point, there was constructed some ten years ago what is even now a fairly good school building; but the board of education is so hampered in the matter of providing funds that few well trained teachers are employed. The district in question has therefore a good school plant, but a poor school.

The district system has other equally serious defects. Inevitably it makes for excessively wide differences in educational opportunities and in school tax burdens. In one district the schools are open nine months, in another, eight months, and in still another, seven months.<sup>1</sup> Likewise, in one district the property school tax is \$2.00, in another, \$6.00.<sup>2</sup> Again, the school poll tax is in one district, 7 cents on the hundred dollars, and in another, 100 cents.<sup>3</sup> Thus inequality reigns where sound policy requires something approaching uniformity. The truth is the district system represents an isolated group, desiring some sort of time when a pioneer neighborhood school. Increased wealth, larger numbers, improved communication, more complicated educational requirements render the district system obsolete. A qualified county system should displace the present district system. At its head should be a county board

<sup>1</sup>See Appendix, Table II, page 99.

<sup>2</sup>See Appendix, Table III, page 100.

<sup>3</sup>See Appendix, Table IV, page 101.

of education, elected by the people, vested with large powers and directed to establish and to maintain efficient schools. The entire county, with exceptions to be noted, would thus become the unit, all the county schools forming a system, in the development of which intelligence and design may be employed. With the total county school tax, plus the state dividends, something like statesmanship may be exercised in locating, erecting, equipping, and consolidating schools. Educational opportunities can thus be more or less equalized throughout the county. The revenues of the board and the size of its field would warrant the employment of a competent staff, consisting of county superintendent, supervisors, attendance officer, and clerks. County education thus organized would attract to the county board the ablest and most public spirited citizens of the community.

A county system of this type would not, however, involve the abolition of district school committees and local boards of education; these local school officials could still be utilized, though with modified powers and duties. The more populous and wealthy centers should be erected into separate school districts, provided they fulfill certain specified requirements as to the grade of schools to be maintained, the grounds, buildings, and equipment to be provided, the preparation of the teachers to be employed, and the administrative direction and supervision to be supplied. Such a county system would thus permit the larger towns to enjoy local educational autonomy, and at the same time secure to the smaller towns, villages,

and the open country the benefits of a centralized organization.

In conclusion, it is only fair to remind ourselves that the district school committees and local boards of education should not be held to too strict an account if they have not performed effectively the duties imposed upon them, and have permitted the schools, as a rule, to eke out a miserable existence. The fault rests with the system under which they work—that is, with the state. Delaware does not conceive of education as a general function to be exercised and directed by the state. It is viewed, rather, as a local concern. Indeed, the term “free public schools” has never meant in Delaware and does not now mean much more than that separate communities are permitted to provide schools at limited public expense. The state has enacted certain general laws; it has created the above mentioned executive and supervisory boards; it pays the tuition of certain pupils in graded schools, and apportions a small sum to each committee or local board for each teacher employed. But its general laws are narrow in scope and ineffectively applied; its executive and supervisory boards have no way of enforcing large and expanding school policies; its financial requirement of the separate districts does not ensure decent schools. Too much is left to the unconstrained initiative of small local units. The state has not frankly recognized its responsibility for framing an adequate policy and creating the organs, state and local, through which a sound policy may be progressively realized.

## VI. THE TEACHERS

THE schools of Delaware, like those of other states, require teachers of different types: one type for the graded city school, a somewhat different type for the ungraded rural school, still other types for special subjects in elementary and high schools—such subjects, for example, as physical training, science, Latin, manual training, etc. Differentiation of function should imply specialization in training. That is, those who are to teach different subjects should be differently trained. The length and character of the training required by each of the several necessary types are not easy to fix. Yet it is commonly understood as the goal to be aimed at that teachers in the elementary schools, city or country, ought to possess high school education, followed by two years of normal school training; and that high school teachers should have passed through college with a certain amount of special training in the particular branches they are engaged in teaching.

Delaware issues four kinds of teacher certificates: (1) primary and kindergarten certificates, valid in the kindergarten and the first three grades of the elementary school; (2) elementary certificates, limited and permanent, valid in the elementary schools; (3) high school certificates,



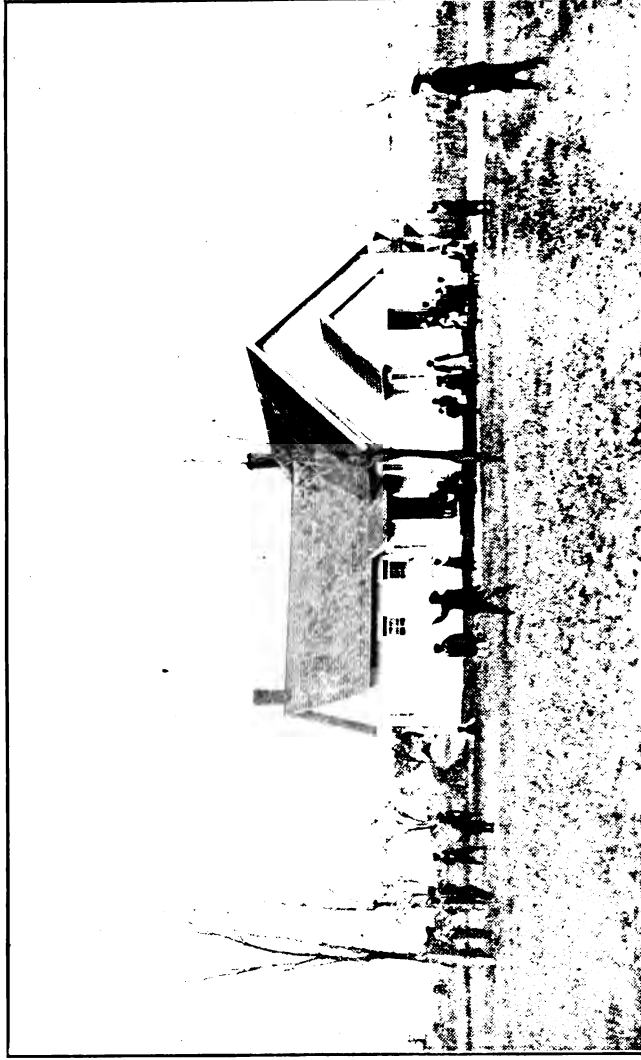
limited and permanent, valid in the high schools; and (4) normal and college graduate certificates, limited and permanent, valid in all schools of the state. Besides these regular certificates, permits or provisional certificates are used in emergencies. The various certificates require different degrees of academic and professional preparation.

As nearly as can be ascertained, there are now in Delaware 734 teachers. Cards asking for information about the certificates held, training or preparation, etc., were addressed to all teachers, but returns have been received from only 651, or approximately 90 per cent. of the number. Nevertheless, on the basis of data thus obtained it appears that of the 651 teachers reporting, only 127 or 20 per cent. hold normal or college graduate certificates, 80 hold provisional certificates, and 358 limited elementary certificates; that is, 67 per cent. hold the very lowest grade of certificate issued.<sup>1</sup>

This is not surprising in view of the preparation or training disclosed. Of the teachers reporting, 81 are classified as high school teachers. The preparation of these high school teachers ranges from two years spent as student in a high school to a full college course; only 43 per cent. of them can be regarded as qualified to undertake high school instruction. The elementary teachers in incorporated districts are even less well equipped. Only 43 out of the 190 reporting, or 23 per cent., reach an acceptable standard of training, while 84, or 44 per cent.,

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<sup>1</sup>See Appendix, Table V, page 102.



Typical Two Room Rural School



have not completed a high school course. Teachers in the rural elementary schools make a still more unfavorable showing. In general, they are products of rural schools, and of high schools which give one, two, or three year courses. Of the 291 reporting, only 18, or 6 per cent., have had full normal training or its equivalent, 42, or 14 per cent., have never advanced beyond the grades, and 139 others, or 48 per cent., have had only part of a high school course. Of the elementary teachers, the colored teachers appear to be relatively the best prepared; 40 out of 89 reporting, or 45 per cent., are normal school graduates or have had part or all of a college course.<sup>1</sup> Figure 1 shows the proportion of teachers well prepared, and the proportion ill prepared.

The teachers of Delaware are not only deficient in respect to training, they are in the main immature. Of the 651 reporting, 152, or 23 per cent., are under twenty-one years of age.<sup>2</sup> Nor is the number of older teachers large; only 27 are fifty years of age and older.

As is generally true throughout the country, the teachers are mostly new to the system. Good school work involves a knowledge of community needs. Newcomers are at a disadvantage in this respect. Of the 651 teachers under consideration, 160, or 25 per cent., entered the system this year. Only 38 per cent. of the entire number of those regarding whom we obtained in-

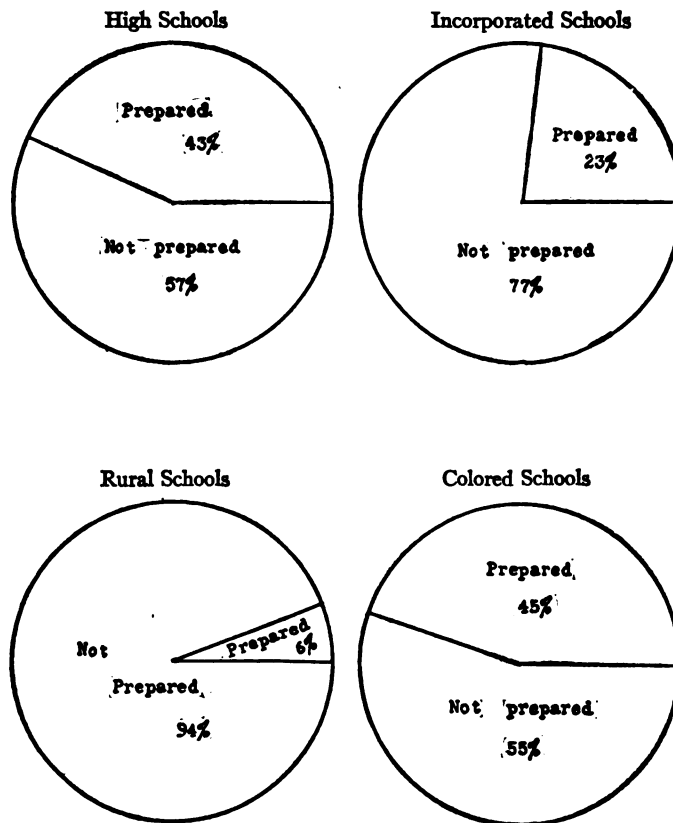
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<sup>1</sup>See Appendix, Table VI, page 103.

<sup>2</sup>See Appendix, Table VII, page 104.

FIGURE 1

## PREPARATION OF TEACHERS, 1918-19



formation have been in the system five years or more.<sup>1</sup> Conditions may be somewhat unusual at this time, but in any case the annual loss is large. The number of new white teachers (including Wilmington) in 1916-17 is stated to have been 158, 35 in the incorporated and 123 in the rural districts. Again, the tenure of teachers already in the system is short and shifting of position is common. While 160 of the present teaching force are new, 245 hold new positions, 109 are in their second year in the same position, and 68 in their third.<sup>2</sup> Thus, within the system there is constant flux, unfavorable to continuity of instruction.

That Delaware has a body of teachers so poorly trained and so unstable is due in part at least to two factors: low annual salaries and inadequate provisions for teacher training, particularly for the training of elementary teachers. The present monthly salaries of teachers in Delaware are not bad, there having been a notable increase even over 1917-1918. Thus the median monthly wage of high school teachers—all principals except 8 being included—is \$90, approximately half receiving more and half receiving less; of elementary teachers in incorporated districts, \$65; of rural teachers, \$60; and of colored teachers, \$45. But the school term is so brief that annual salaries are low even though monthly salaries are fair. As few schools in incorporated districts run more than nine months, high school teachers receive a

<sup>1</sup>See Appendix, Table VIII, page 105.

<sup>2</sup>See Appendix, Table IX, page 106.

## PUBLIC EDUCATION IN DELAWARE

median annual salary of approximately \$810, elementary teachers a median annual salary of about \$585. Rural teachers receive a median annual salary of approximately \$420. The median annual salary of colored teachers is approximately \$315.<sup>1</sup> These salaries will not attract well trained and experienced teachers.

Equally fundamental is the problem of training teachers. From the establishment of public schools in 1829 until 1903 prospective teachers were left to their own resources to get such training as they could. After 1903 and until 1915, an annual appropriation ranging from \$1,000 to \$1,500 was made to each of the counties to pay the tuition of prospective teachers in the normal schools of other states. A small number of normal school graduates has been thus obtained. With the opening of the Women's College of Delaware, this appropriation lapsed, on the assumption that this institution would undertake teacher training.

The Women's College now offers two courses in education: one, a four year course for high school teachers, the other, a two year course for elementary teachers. The enrollment in these courses is now as follows:

Four year course—		Two year course—	
Seniors	3	First Year	0
Juniors	5	Second Year	2
Sophomores	4	Total	2
Freshmen	6		
Total	18		

<sup>1</sup>See Appendix, Table X, page 1004.

The graduates of these courses to date number 14 (2 in 1916, 1 in 1917, and 11 in 1918). Of these 2 are now teaching, but as this number will undoubtedly increase, it seems reasonable to believe that the Women's College of Delaware will furnish high school teachers and teachers of domestic arts to meet the demand.

A similar function in respect to the training of men for high school posts falls naturally to Delaware College. We have stated that high school teachers should be college graduates, who have devoted part of their time to professional studies. This is as true of the old-line studies, such as mathematics, Latin, literature, history, science, as of the newer activities, such as agriculture and the industrial and household arts. To add educational courses where college courses in different subjects are already available requires additional provision only on the professional side. Hence, the state may confidently look to the Women's College and to Delaware College to train its high school teachers.

Adequate provision for the training of elementary teachers, particularly in the rural schools, has yet to be made. Such provision should at this time include intensive instruction in the subject matter which elementary school teachers must present, viz., arithmetic, penmanship, geography, United States history, drawing, handwork, etc., for the present graduates of the elementary and high schools are not proficient enough in these fundamental subjects to begin teaching them without further drill and instruction. In addition, the pros-



pective teachers should receive a certain amount of simple, practical training in the methods of teaching the common school subjects and in school management. The work should be organized and conducted in sympathy with village and rural life; and for obvious reasons the cost to the student should be low. Between 75 and 100 teachers trained in this way should be available annually, for a majority of the elementary teachers now in service must be gradually displaced by trained teachers, and a supply of trained teachers must also be at hand to take the place of teachers dropping from the system.

Improved facilities should also be provided for the training of colored teachers. This, however, can be readily done. The State College for Colored Students has for some years offered a training course for colored teachers. Although this school emphasizes the mechanical and industrial arts, 55 per cent. of its graduates, from 1898 to 1916, have become teachers; 40 of these are now teaching in the colored schools of the state.<sup>1</sup> The present training course is, however, far from satisfactory; its standards are too low, its facilities inadequate. Improvement in both these respects can be readily effected. The immediate need reduces itself to an additional teacher and a small practice school. To what extent additional appropriations would at once be necessary, we are unable to state. The school has a fair income—\$18,000. Of this sum less than 43 per

<sup>1</sup>See Catalogue of the State College for Colored Students for 1917.



Caesar Rodney Consolidated School



cent. goes to salaries; the accounts are not so kept as to make clear in detail how the remainder is expended. It seems, however, not improbable that a financial reorganization might result in such economies that the additional teacher now required might be carried without additional state appropriation.

The upshot of the present chapter may be briefly summarized. Delaware is without the means of training teachers for its elementary schools. Its teaching corps is therefore largely ill trained and distinctly underpaid. The state cannot hope to have an adequate staff of good teachers in the elementary schools unless it provides proper facilities for their training and pays such salaries as competent teachers require for their support.

## VII. THE SCHOOLS AND THEIR WORK

**W**E HAVE now discussed the main factors that determine the kind and the grade of the schools provided and the quality of the classroom instruction—organization, supervision, and teaching staff. We have learned that the organization does not provide the necessary central direction and control; that school authorities are powerless to finance good schools; that supervision is negligible; and that the teachers as a class are ill prepared, few having sufficient training to enable them to do satisfactory school work. Under these conditions, a liberal program of studies, up to date plants, and good teaching cannot be expected.

As stated before, the public schools of Delaware are of two grades—elementary schools (grades 1 to 8, inclusive) and high schools (grades 9 to 12, inclusive). While the programs of elementary and high schools are separate, they nevertheless form a single whole. The present course of study for elementary schools, prescribed in 1913 by the state board of education, represents a decided advance over previous courses of study. The earlier courses assigned the work for the several grades on the basis of certain pages to be covered in the adopted textbooks. The 1913 course of study confined

itself to defining aims and suggesting the larger topics of instruction and methods of treatment. Carefully studied and conscientiously followed, this course of study would undoubtedly exert a beneficial effect on classroom work. Unfortunately, few teachers outside of the larger centers are able, left to themselves as they are, to interpret and apply these directions. They need guidance and supervision and this the present system does not supply. The result is that prescribed textbooks, literally followed, constitute the course of study in the elementary schools of Delaware.

The list of prescribed texts is unusually broad and includes both old and recent texts. In the rural schools the teachers, to whom the choice is left, occasionally select the more modern texts; in the main, however, the older books are retained.

The studies prescribed for the several grades are as follows:

- Grade 1: Reading, writing, spelling, language, number, elementary science (including physiology and hygiene, and kindness to animals).
- Grade 2: Reading, writing, spelling, language, number, elementary science (as in grade 1).
- Grade 3: Reading, writing, spelling, language, arithmetic, elementary science (now also including oral geography).
- Grade 4: Reading, writing, spelling, language, arithmetic, geography, physiology and hygiene, and kindness to animals.
- Grade 5: Reading, writing, spelling, language, arithmetic, geography, history, physiology and hygiene, and kindness to animals.
- Grade 6: Reading, writing, spelling, language, arithmetic, geography, history, physiology and hygiene, and kindness to animals.
- Grade 7: Reading (may now be literature), writing, spelling, grammar,

arithmetic, geography, history, physiology and hygiene, elementary agriculture.

Grade 8: Reading or literature, writing, spelling, language, arithmetic, geography, history, civil government, elementary agriculture.

This program covers the general range of subjects usually taught in elementary schools. The place of prominence is given to the three R's, to geography and history, and to physiology and hygiene. The only modern subjects are elementary science in the primary grades and elementary agriculture in the two highest grades. In point of fact, however, elementary science is scarcely taught at all, while agriculture receives but scant attention. In consequence, the present elementary course is in effect an antiquated type of school program. It makes no provision for activities now regarded as essential to a well rounded elementary education—for example, handwork, physical training, music and drawing, cooking and sewing for girls, and manual work for boys. Of course, rural schools could not be expected to do justice to all these activities, but in Delaware they are neglected not only in rural, but almost equally in village and city schools.

The present high school program was prescribed by the state board of education in 1915, and is as follows:

SUBJECT	NUMBER OF UNIT CREDITS
ENGLISH . . . . .	4
(Composition, rhetoric, literature, reading of classics. Spelling and reading should receive one-fifth of the time)	

SUBJECT	NUMBER OF UNIT CREDITS
<b>MATHEMATICS</b>	
Algebra . . . . .	1
Plane geometry . . . . .	1
Solid geometry . . . . .	$\frac{1}{2}$
Arithmetic . . . . .	$\frac{1}{2}$
<b>HISTORY AND CIVICS</b>	
United States history . . . . .	$\frac{1}{2}$
United States civics and Delaware civics	$\frac{1}{2}$
Ancient history . . . . .	$\frac{1}{2}$
Medieval history . . . . .	$\frac{1}{2}$
Modern history . . . . .	$\frac{1}{2}$
English history. . . . .	1
<b>LANGUAGES</b>	
Latin . . . . .	4
German <sup>1</sup> . . . . .	2
French . . . . .	2
<b>NATURAL SCIENCES</b>	
Physics . . . . .	1
Chemistry . . . . .	1
General science. . . . .	1
Physical geography . . . . .	$\frac{1}{2}$
Physiology and hygiene . . . . .	$\frac{1}{2}$
Botany . . . . .	$\frac{1}{2}$
Zoology . . . . .	$\frac{1}{2}$
Biology . . . . .	1
Geology. . . . .	$\frac{1}{2}$
Astronomy . . . . .	$\frac{1}{2}$
<b>VOCATIONAL BRANCHES</b>	
Domestic branches . . . . .	1
Agriculture . . . . .	1 or $\frac{1}{2}$
Manual training . . . . .	1
Commercial law . . . . .	$\frac{1}{2}$
Commercial geography . . . . .	$\frac{1}{2}$
Shorthand . . . . .	2
Bookkeeping . . . . .	$\frac{1}{2}$ or 1
Typewriting . . . . .	2
Penmanship . . . . .	$\frac{1}{2}$

<sup>1</sup>By action of the state board of education, German has been dropped.



To adapt this program to high schools of different sizes, three courses are outlined—one for a “ten unit” high school offering two years of work, one for a “fifteen unit” high school offering three years of work, and one for a “twenty unit” high school offering four years of work. Only four year high schools are expected to carry something like the full program given above.

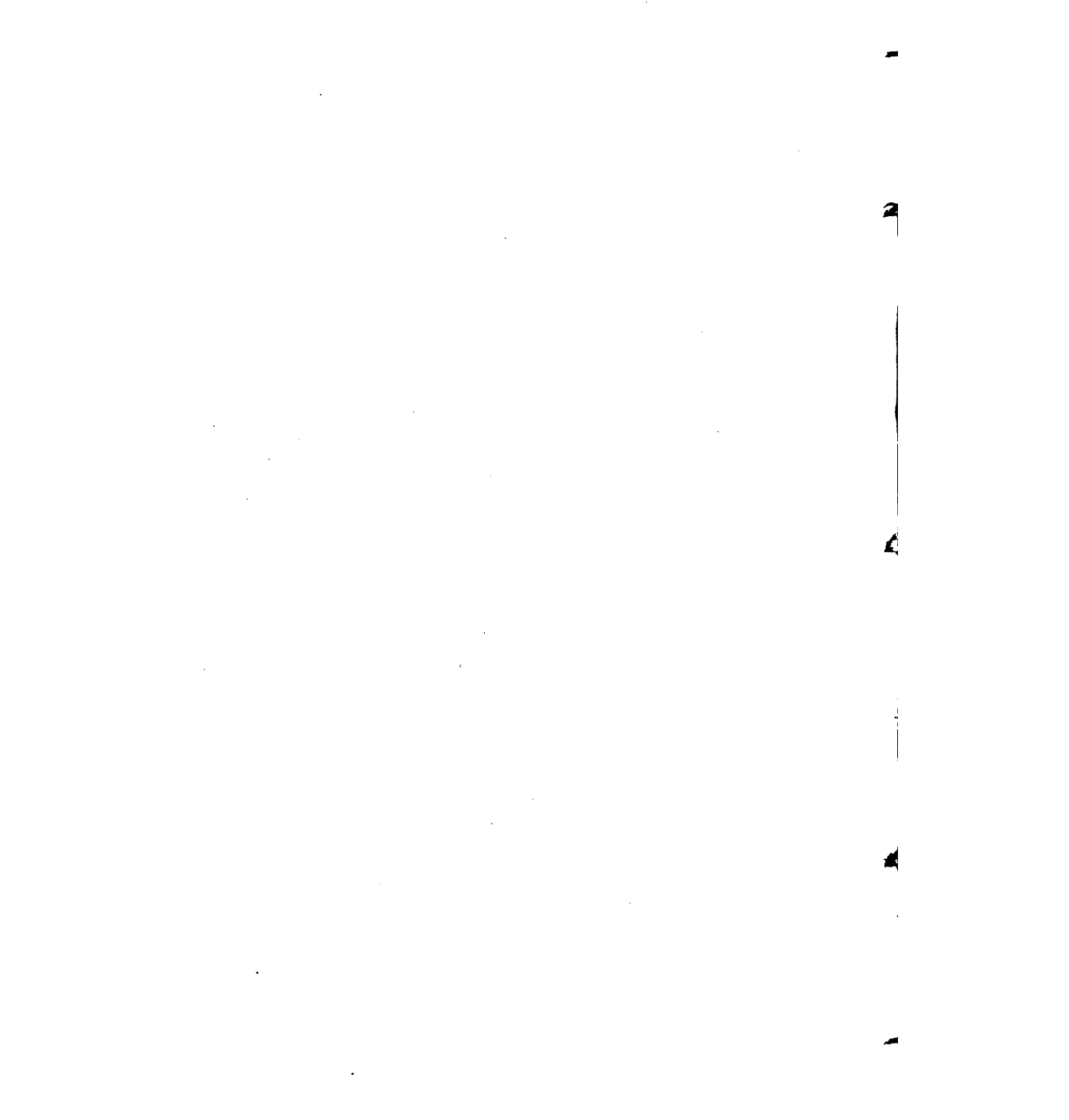
These different courses are noteworthy in several respects. In the first place, none of them requires Latin. Latin is an elective or an alternative. Nevertheless, the great majority of Delaware high schools, whether they offer two, three, or four year courses, require all first year students to take Latin. However, the numbers dwindle rapidly from year to year.

Secondly, as is proper in view of their significance in modern life, large place is given to the natural sciences, ten different courses being prescribed. Despite these liberal prescriptions, the high schools teach little science. Not more than three high schools in the state have anything approaching satisfactory laboratory equipment, with the result that the science is mostly textbook science.

Thirdly, little prominence is given to the practical branches, such as domestic science and art for girls and manual training and agriculture for boys. Until last year there were not more than two high schools in the state that provided any work at all for girls in the household arts, and only one or two attempted manual training and agriculture for boys. However, the acceptance



Conventional Town School of Better Type



by the state of the provisions of the Smith-Hughes law will doubtless emphasize in the future the vocational branches. It is also to be noted that physical education is entirely ignored.

Finally, the state course of study prescribes the minimum number of teachers that may be employed—in a “ten unit” high school, at least one full time teacher, in a “fifteen unit” high school, at least one and a half full time teachers, and in a “twenty unit” high school, at least two full time teachers. When making these requirements, the state board of education was aware of the fact that satisfactory high school work cannot possibly be done with the minimum staff required, but even these inadequate requirements marked a decided advance.

The high school course of study, with the exceptions noted, thus corresponds closely to the conventional scheme. Even so, it is doubtful whether there are even two standard four year high schools in the entire state. Deplorable as this situation is, it must be remembered that the state has never directly offered financial inducements to the development of high schools. Without such inducements, high schools will grow as slowly in the future as in the past.

With the rural schools attempting nothing beyond the conventional studies, with no provisions for child welfare—such as warm luncheons, directed play, etc.—or, except recently, for community activities, it is not surprising that the rural schoolhouses of Delaware are

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<sup>1</sup>See illustration opposite page

school should be more than a single rectangular room. Even when the county superintendent has enlightened the board, it is next to impossible to get things done. For example, unilateral lighting—lighting from one side—was attempted in two or three of the new buildings, but the actual lighting is a queer mixture; not one of these new buildings is properly constructed.<sup>1</sup> The failure in Sussex County to secure proper lighting proves the necessity of placing in the hands of the state board of education final control over building plans and specifications.

The one room rural school plants in Delaware, of which there are 327, are, therefore, with rare exceptions, of the conventional type. Some of them have a small entrance porch and small cloakrooms for boys and girls,<sup>2</sup> but they usually consist of a single rectangular room, which serves alike for school work, cloakroom, luncheon room, and play. The buildings are painted all colors; many of them are in bad repair; the lighting is almost always poor; about half are still heated by an ordinary stove; few of them have the arrangements needed for washing hands and faces. The seats are usually old-fashioned double desks; equipment is limited to a blackboard—generally slate—an inexpensive map of Delaware, a map of the United States, and a bird chart.

The building situation in the villages having two and even three room schools is equally unsatisfactory.

<sup>1</sup>See illustration opposite page 66.

<sup>2</sup>See illustration opposite page 32.

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<sup>1</sup>See illustration opposite  
<sup>2</sup>See illustration opposite  
<sup>3</sup>See illustration opposite p  
<sup>4</sup>See illustration opposite p

ing, particularly in the older parts at Milford, is bad, and the fire hazard considerable. Otherwise, the building situation in the larger towns of both New Castle County and Sussex County is critical. For example, in New Castle County the Middletown schools occupy the old academy building,<sup>1</sup> which, while good enough in its day, is wholly inadequate for present purposes; ventilation and lighting are particularly bad. At New Castle the public schools are housed partly in the city hall, partly in the old United States arsenal, partly in the old academy building, and partly in a two room building (one room above the other). Not one of these buildings is fit for school use. Similarly at Newark, the primary school occupies an old brick structure with inadequate lighting and ventilation; the grammar grades occupy a building lately erected, of pleasing exterior, but bad interior, while the high school occupies the old academy building, long since outgrown, which is a fire trap, poorly ventilated and lighted.

The situation in Sussex County is quite as critical. For example, at Georgetown, Laurel, and Seaford the buildings are old, rambling, wooden structures, which have been added to from time to time. Lighting and ventilation are bad, and the fire hazard, serious. This is particularly true at Seaford.<sup>2</sup>

In certain instances the situation is complicated by the fact that buildings which should at this moment be

<sup>1</sup>See illustration opposite page 66.

<sup>2</sup>See illustration opposite page 70.



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<sup>1</sup>See illustration opposi

teacher, now in the third year of her service, persuaded the district school committee to give her the \$10 usually spent at the beginning of the year to put the schoolhouse in order. With this \$10 she employed a woman to clean the schoolhouse, and with the help of an interested patron tastefully calcimined the interior of the building. Later, an entertainment provided funds for window shades and sash curtains. A carnival reseated the schoolhouse with single, adjustable desks. Another entertainment purchased an unabridged dictionary and dictionary holder. The local grange lent an organ. Thus, within two years, the entire interior of this old stone building was transformed into a cosy workroom.

Perhaps a fourth of the rural schools visited give a good type of old-fashioned instruction. The children are rigorously held to their texts; no use is made of the experiences gained at home, on the farm, or in their environment; nevertheless the pupils are in a fair way to master a substantial body of information and are receiving what would formerly have been called a good elementary schooling.

The remaining rural schools are poor. The teachers, after one or two and occasionally three years in the neighboring high school, merely go through the motions of school keeping. It must be admitted that war conditions, as well as influenza, have this fall disorganized the schools to an unusual degree. Yet, so far as the work observed is concerned, very little difference could be perceived in the schools in question between the quality of

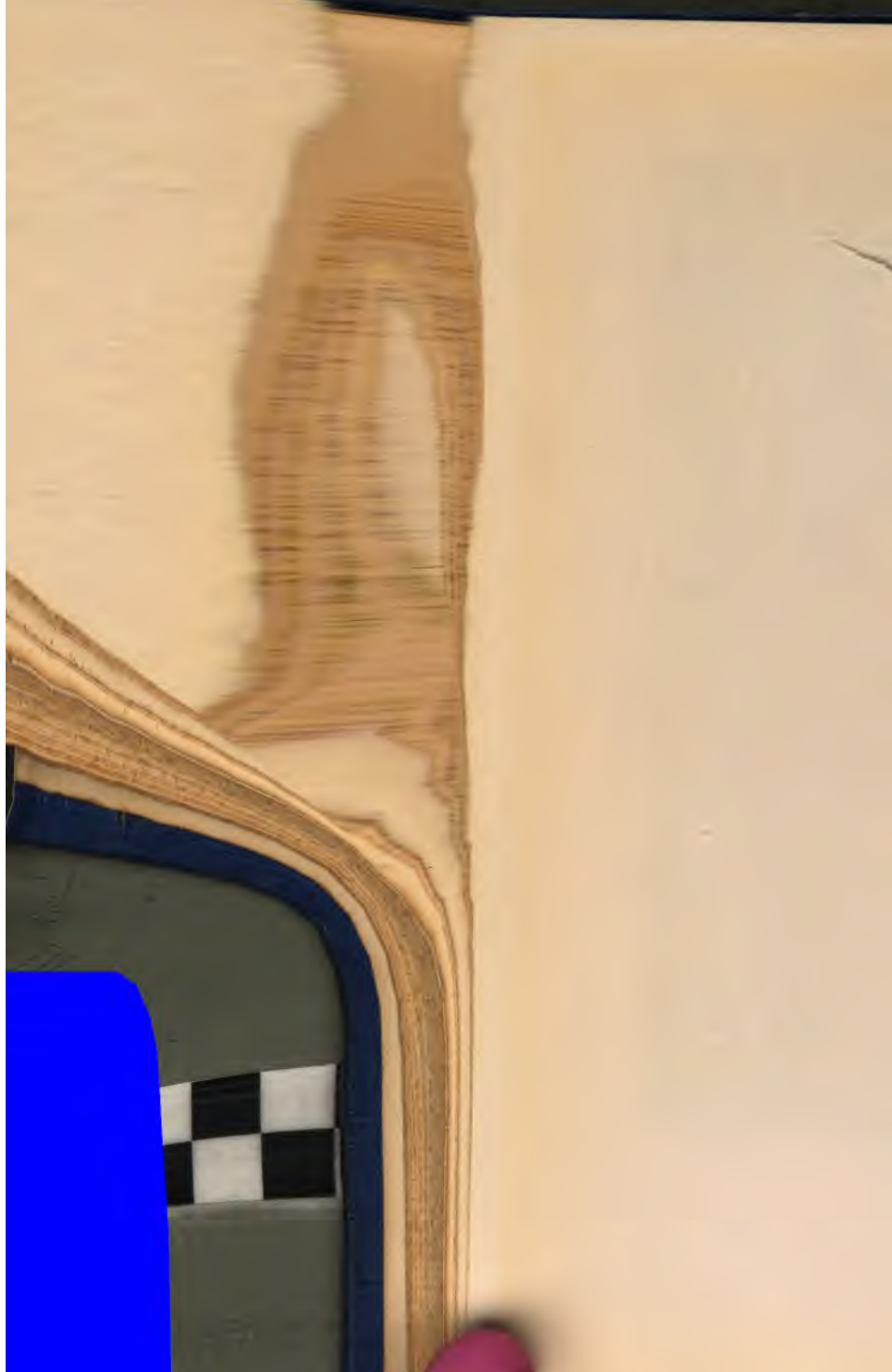
the instruction of teachers who have been in service or who had returned after a period of absence and the instruction of teachers who have been continuously in service.

Nor is the poor quality of the instruction together to inadequate supervision. The preparation of many of these teachers, even with the best supervision will not improve them. The first recourse in such cases is to be to more and better training. The need for better training, better supervision, and better preparation far as possible, the problem of such schools to remain is not easy. One teacher in the course of the day pupils have to teach eight elementary grades. The day is usually divided into twenty or thirty lessons, each varying from ten to fifteen minutes. Under such conditions, the best teachers can only hear children recite. Now, a study of the rural schools shows that a great many of the pupils are in the lower classes, with only a few more, in each of the uppermost two or three. One third of the entire school day is devoted to the recitation of three or four advanced pupils, and the neglect of the younger children. If the rural district schools were confined to the provision made for all pupils with

<sup>1</sup>For example, in Kent County, of a rural population of 2,495, only 338, or 14 per cent., were in



Conventional Town School of Poorer Type



sixth grade to attend the nearest graded school, such pupils would be thrown in contact with more children of their own age and the rural teacher would be able to concentrate her attention and energies on the children of the lower grades. Some such rearrangement of the work of the rural schools is much to be desired. The payment at the present time by the state of the tuition in neighboring graded schools of a limited number of pupils who have completed the sixth grade in their home school is a step in this direction.

In respect to quality of instruction, the situation in the larger towns is better. Yet, the best that can be said of their elementary schools is that they do a fair type of old-fashioned, formal, textbook work; the children master the tools of learning—reading, writing, and arithmetic—and devote some time to the study of physiology and hygiene, geography and history. But even in these schools the instruction is formal and bookish; it appeals almost entirely to the memory, little or nothing being done to train the senses, cultivate observation, or to develop the imagination.

High school instruction is of the same bookish type. Small provisions are made for the teaching of science, the household and industrial arts, and, with the exception of one or two schools, there are neither laboratories nor gymnasiums. The preparation of the high school teachers is far from adequate; the high schools themselves are unsatisfactorily organized. The amount of instruction offered too frequently depends, not on the qualifications



of the instructors or the extent of the facilities, but on the pride or ambition of the local board. Thus a four year course is sometimes given where prudence would hardly attempt more than two or, at most, three years' work; and not infrequently, two or three years of high school work are offered where the conditions suggest distinctly less.

It is not necessary in this connection to give an elaborate account of this situation or to detail the different measures required if it is to be improved. We need here emphasize only two points: (1) A state high school system cannot be developed if everything is left to the local initiative of small areas. There must be a central guiding and coördinating authority, which, while leaving abundant opportunity for local action, will nevertheless be capable in one place of restraining excessive ambition, in another of stimulating backward sentiment, and everywhere of upholding creditable standards. (2) High schools cannot be altogether financed by local taxation. The problem is indeed not altogether a local problem; the state at large has a distinct interest in the creation of a sound high school system—an interest which should manifest itself in financial coöperation. Rapid progress on a sound basis would doubtless take place if these two suggestions were incorporated in the law—if, that is, the state defined and supervised secondary education towards the support of which it made a stimulating financial contribution.

The foregoing description and discussion have had ref-

erence mainly to schools for white children. Conditions as respects colored children do not differ materially. The buildings are as a rule still more unsatisfactory,<sup>1</sup> the instruction nowhere goes beyond the elementary grades; in quality there is little to choose.

On the whole, therefore, public education in Delaware is at a low ebb. Public opinion is unaroused; professional standards are as yet unformed; the state organization, despite certain good features, is ill jointed and ineffective. The laws need to be rounded out, so as to give the state an organization the various parts of which play into each other effectually; policies must be framed on larger lines; coöperation between the state and the county unit must be brought out; proper provisions for teacher training must be made; the state, the county and the local community must join in raising the larger sums required to sustain creditable schools, adapted to the needs, capacity, and opportunities of the school children of Delaware.

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<sup>1</sup>See illustration opposite page 84.



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who are six years of age seven years of age, eight years of age, etc., so that no one knows how many children of each age the schools should enroll. We do, however, know approximately the number of children enrolled during the school year 1917-18. The total enrollment, exclusive of Wilmington, was 24,163<sup>1</sup>—in incorporated districts, 9,084, in rural districts, 10,600, and in colored schools, 4,479.

On the basis of these data, it appears that the school enrollment in 1917-18 was not so large by 774 as that of 1912-13, for in 1912-13, according to an unpublished report of the commissioner of education, the total enrollment was 24,937—in incorporated districts, 8,299, in rural districts, 11,769, and in colored schools, 4,869. This represents a total decrease of 3 per cent., for, while there was a gain in the incorporated districts of 9 per cent., there was a loss in rural districts of 10 per cent. and in colored schools of 8 per cent. Undoubtedly there were at least as many children in the state in 1917-18 as there were in 1912-13; hence, the difference in the enrollment represents the failure of the schools to attract the children. War conditions in 1917-18 ought perhaps to be taken into account in connection with this showing.

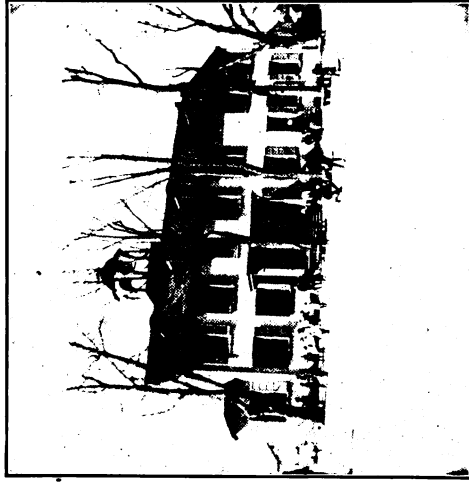
The data in hand make clear that Delaware schools fail to reach large numbers of white children of certain age groups. For example, there were enrolled in 1917-18

<sup>1</sup>This includes 669 children, the estimated enrollment of schools not reporting, based on reports of preceding years.

2,013 white children ten years of age.<sup>1</sup> There were probably in the state just as many white children eleven, twelve, and thirteen years of age as there were children ten years of age. Since the compulsory school law extends to the fourteenth year, there ought to be in the schools approximately as many eleven, twelve, and thirteen year old children as there are ten year old children. But such is not the case. The numbers drop from 2,013 ten year olds to 1,874 eleven year olds and 1,712 thirteen year olds. Curiously enough, the number of twelve year olds in attendance (1,958) is but little below the number of ten year olds.

Beyond fourteen years of age, the drop is rapid. The white schools enrolled in 1917-18, 1,568 children fourteen years of age; but the number of white children fifteen years of age dropped to 1,114; of sixteen years of age, to 669; of seventeen years of age, to 383; and of eighteen years of age and older, to 198, with 47 of unknown age. The white schools—to say nothing of the colored—thus fail to reach at least 22 per cent. of the children fourteen years of age, 45 per cent. of the children fifteen years of age, 67 per cent. of the children sixteen years of age, 81 per cent. of the children seventeen years of age, and 90 per cent. of the children eighteen years of age. In other words, taking the white schools, as a whole, only 78 per cent. of the children are held in school long enough, even if they attended regularly and progressed at the usual rate, to complete an eighth grade education, only 55 per

<sup>1</sup>See Appendix, Table XI, page 107.



Old Academy Used for Public School



Attempt at Proper Lighting



cent. long enough to complete the ninth grade, only 33 per cent. long enough to complete the tenth grade, only 19 per cent. long enough to complete the eleventh grade, and only 10 per cent. long enough to complete the high school.<sup>1</sup>

Actually, nothing like these proportions advance so far. In the first place, large numbers of children of high school age, that is, children fifteen years of age and older, are in the elementary schools of both the incorporated and rural districts. In fact, 760 out of the 1,114 children fifteen years of age, 368 of the 669 sixteen years of age, 178 of the 383 seventeen years of age, and 67 out of the 198 eighteen years of age, or more than half of all the children now in school of high school age are still doing grade work, to the detriment of the younger children in these schools and to their own great disadvantage. It naturally follows that the high schools are enrolling less than half of all white children now in school of high school age, to say nothing of the number of children of high school age out of school altogether.

In the second place, even of those who do get into high school, few ever reach the fourth or last year. The high school enrollment, by years, in 1917-18 was as follows:

1st year.	601
2nd year	347
3d year	242
4th year	116
Total	1,306

<sup>1</sup>These per cents. would probably be slightly higher if we knew the ages of the 669 omitted.

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1917-18, on the average, 43 days more than the white children of rural districts, while the colored children were in school, on the average, 19 days less than the white rural children. These conditions are fatal to thorough work and to satisfactory progress.

With attendance so poor, it is little wonder that so few children advance far enough. An illustration will make clear their handicap. The ordinary elementary course covers eight years. The course counts on a school year of not less than 180 days, with 90 per cent. of attendance, or a total minimum attendance of 1,296 days. On this basis, with attendance in Delaware as it now is, it would take children of the incorporated districts on the average about ten years, of rural districts something over fifteen years, and colored children about twenty years to complete a standard elementary course. In consequence, the average child in Delaware actually completes nothing like a full elementary course of study.

Delaware has, it is true, a compulsory school attendance law, requiring on its face that all children between the ages of seven and fourteen should attend school continuously for at least five months each year, enrolling not later than one month after the schools open. Unfortunately, however, local boards are permitted to reduce the compulsory period to three months, and an astonishing number take advantage of this provision. Out of 328 separate white districts, over a half, or 166, limit the compulsory period to less than five months, and 115, or 35 per cent., have only three months. It is



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<sup>1</sup>See Appendix, Table XII, page .



Typical Old Frame Town School



The correctives for the unsatisfactory situation as respects enrollment and attendance are three: (1) The school year should be equalized by lengthening the term in all white and in all colored rural schools to at least 180 days of actual session; (2) the present compulsory school attendance law should be materially modified and attendance officers provided; and (3) medical inspection should be authorized.

One important implication of these measures needs special emphasis. The lengthened school year goes with the improved training of teachers. As long as 147 out of 335 white districts and 73 out of 88 colored districts have a school year of only seven months,<sup>1</sup> it is impossible to obtain well trained teachers, for while the monthly salary may be fairly good, the total annual salary is too small to warrant superior training or to hold persons of vigorous endowment. To make teaching in Delaware an occupation attractive to well trained teachers, the school year must be extended and thus the annual return increased.

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<sup>1</sup>See Appendix, Table II, page 99.



IX. FINANCING THE SCHOOLS

FOR the kind of education just described, what all the schools of Delaware pay? The total current expenditure in 1917-1918 on does Delaware pay? The total current expenditure in 1917-1918 on does Delaware pay? The total current expenditure in 1917-1918 on does Delaware pay? This sum does not include interest, debt payment, and expenditure for permanent improvement. It was distributed as follows:

TYPE OF SCHOOL	ANNUAL CURRENT EXPENDITURE	ANNUAL CURRENT COST PER PUPIL ENROLLED
Incorporated Schools	\$233,544.65	\$25
Colored Schools	166,081.72	
Total	\$437,253.18	

The current cost, when will be noted, from \$16 per tracts down to \$8 per pupil to \$8 per pupil

(See Appendix

average daily attendance, the current per pupil cost runs from \$36 in incorporated schools to \$18 in colored schools. The gap between current cost figured on the basis of enrollment and current cost figured on the basis of attendance is unusually wide, owing to the very poor school attendance.

The marked differences in the current expenditures on schools of different types indicate, in general, the differences in the educational opportunities which town, rural, and colored children respectively enjoy. Thus it is evident that the educational opportunities of white children in the towns are probably a fifth better than the educational opportunities of rural white children, while the opportunities of all white children are decidedly superior to those of colored children. Even the highest per capita expenditure—that in the incorporated schools of towns—is low; and when the cost of the different types of schools is combined, the average per pupil expenditure is very low. That is, Delaware buys a low and cheap brand of education. Probably not more than seven other states spend so little on education<sup>1</sup> as Delaware. It is, however, still true that Delaware pays high for what it gets. Indeed, it is difficult to see how a state could get less for its money.

As stated above, the reported expenditures for 1917-18 are approximate only. They are approximate because

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<sup>1</sup>See Report of the U. S. Commissioner of Education, 1917, Vol. II, page 82.

complete and accurate financial data do not exist. Full data for the preceding school year are supposed to be in the office of the state auditor not later than the last of September. But under the present system the financial accounts of the 424 separate school districts cannot be audited within the time limit set by the law. There are always a few delinquents. For example, as late as the first week of November of this year (1918), there were 15 districts with which the auditor had not settled. To ascertain approximately Delaware's expenditure on public education in 1917-18 we were therefore compelled to substitute the expenditures of an earlier year in the case of the 15 districts not reporting. On the other hand, there were 11 white and 10 colored teachers from whom the commissioner of education had for 1917-18 no data on enrollment and attendance; in these instances we also substituted the enrollment and attendance reported for earlier years. These substitutions, while probably not affecting materially the reported cost of the schools, reveal the disorderly conditions that prevail. On no single feature of the state educational system are full and reliable data available.

The funds for the support of local schools are derived partly from the state and partly from local taxation and incidental local sources. Such money as the state apportions to the several school districts is raised by indirect taxation, Delaware being one of the few states which levy no direct state school tax. Like most of our states, Delaware has a permanent school fund,

which amounts to \$944,407. It yields an annual income of about \$42,000. This sum is supplemented by an annual legislative appropriation from the general treasury of the state, which, for 1917-18, amounted to \$142,000.<sup>1</sup>

The state distributed in 1917-18 to the several districts, exclusive of Wilmington, \$138,190.02, an amount equal to 31 per cent. of the total current cost of the schools.<sup>2</sup> These state funds may be used for two purposes only—payment of teachers' salaries, and purchase of textbooks, which are provided free in all schools.

State funds are apportioned on the basis of the number of teachers in service. A district employing one teacher in 1917-18 received one portion or \$188,<sup>3</sup> a district employing two teachers, two portions or twice the amount, and so on. The practice of basing the state apportionment on the number of teachers has exercised an unfortunate influence on educational progress. Formerly it tended to multiply the number of districts; now it proves a bar to school consolidation. On other accounts also, this method of distributing the state fund is objectionable, for it disregards the number of pupils to be instructed and all differences in the financial

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<sup>1</sup>This appropriation has now been increased to \$250,000. The \$142,000 is exclusive of \$22,000 for the tuition of outside pupils, and other small appropriations for specific objects.

<sup>2</sup>See Appendix, Table XIV, page 109.

<sup>3</sup>For the present year, 1918-19, owing to the increased appropriation of the state, the apportionment per teacher is about \$300.



ability of different districts. A rich district with few pupils receives as much from the state as a poor district with many pupils. State funds should be apportioned so as to equalize both educational opportunities and financial burdens.

The present method of apportioning the state fund is further objectionable in that it fails to encourage high school development. It is of course true that the elementary school is fundamental and should come first. On the other hand, a state that lacks well equipped, well manned, and well located high schools possesses at most only part of a state school system. In Delaware high schools are in especial need of the state's fostering care, because they are likely to be small, and if left without generous aid will probably be weak. The law does indeed provide that rural pupils who have completed the sixth grade may under certain conditions attend neighboring graded schools at the state's expense. The amount thus received by the graded schools and high schools of incorporated districts in 1917-18 was \$20,247.25, equal to 8 per cent. of the total current expenditure of the incorporated districts.<sup>1</sup> This additional sum is, however, not enough, as now employed, to relieve the situation.

There is, therefore, the very greatest need of adopting in Delaware a method of apportioning state funds which recognizes the differing needs of elementary school and

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<sup>1</sup>See Appendix, Table XIV, page 109.

high school. State funds for elementary schools should be apportioned to the several local school units on a double basis—the basis, first, of the number of children of elementary school age enrolled, that is, between six and fourteen years of age, inclusive, and the basis, second, of school attendance. In recognizing the number of children to be instructed, the state takes account of the amount of work that needs to be done; in recognizing actual school attendance, the state takes account of the work really accomplished and at the same time stimulates the community to keep its children in school. State aid to high schools should be granted on the basis of the cost of maintaining high schools of a given grade and rank. For example, the state should make a fixed grant to a district maintaining a 20 unit high school having a specified equipment and employing a given number of teachers of specified preparation; a fixed grant of less amount to a 15 unit high school fulfilling given requirements as to equipment and teachers; and still less to a 10 unit high school. Moreover, this aid should be given also with a view to bringing a high school education within reach of all children without tuition cost to the parents; now only a limited number of children from each county may so attend.

As stated above, the second source of school support is local taxation. In 1917-18, local taxation provided in the state, outside of Wilmington, 60 per cent. of current school receipts: in incorporated districts, 63 per cent.; in rural districts, 63 per cent.; and in colored districts,

33 per cent.<sup>1</sup> The state, it will be noted, is the main support of colored schools. Even the incorporated districts and the rural districts provide an unusually small proportion of the total current cost of their schools. This proportion is probably even lower now, for, as pointed out above, the state recently greatly increased its appropriation, without imposing any obligations whatsoever on local authorities to do more for themselves.

Local taxation is of two kinds—a head or capitation tax, and a property tax. The law requires a minimum capitation tax of \$2 annually on each male inhabitant of the school district twenty-one years of age. The capitation tax ranges from \$2 to \$6 and produces a considerable proportion of the school funds raised locally; what proportion of the whole is thus raised we cannot say, as data are lacking. A capitation tax is, however, not a desirable source of local school revenue; it is too fluctuating and too difficult to collect. For these reasons, this tax should not be permanently relied on for school purposes.

The property tax for school purposes is levied on both real and personal property. The financial resources of districts having a one teacher white school vary enormously—from an assessed property value of \$45,553 to an assessed value of \$589,000.<sup>2</sup> Inasmuch as all districts receive per teacher the same amount of state aid,

<sup>1</sup>See Appendix, Table XIV, page 109.

<sup>2</sup>See Appendix, Table XV, page 108b.



Old Stone Rural School



the rates of local taxation must necessarily differ greatly. As a matter of fact, they range, in white rural districts, from 7 cents to 85 cents on the hundred dollars, and in incorporated districts, from 20 cents to 90 cents on the hundred dollars.<sup>1</sup> The totals raised locally vary correspondingly; one district raises \$100, the minimum permitted by law, another raises nine times as much for the same purpose. Obviously, a system which permits such inequalities cannot be sound.

Two changes are required: (1) Boards of education must be financially independent and must be vested with power enough to finance efficient schools; (2) the state must compel adequate local action. As the situation now stands, the state requires local school boards to levy not less than \$100 per teacher annually—an arbitrary and entirely inadequate requirement; it also provides that for certain violations—such, for example, as not keeping the schools open at least 140 days a year, failure of the district school clerks to settle with the state auditor, etc.—the whole or a part of the state apportionment may be withheld. But these penalties are almost never imposed. Besides, the principle involved is wrong. If the children of the state are to be safeguarded in their educational rights, the separate district units cannot be left free to follow their own preferences. The state should impose upon all local boards, whether county boards or boards of education of separate districts, requirements which they must fulfill on

<sup>1</sup>See Appendix, Table IV, page 101.

pain of being declared delinquent, these requirements being such as will guarantee the establishment and maintenance of good schools. In other words, the interests of the state and the welfare of the children are to be safeguarded not by withholding, in case of local delinquency, the aid of the state, but by imposing upon the communities certain minimum financial responsibilities and by acting directly on the proper local officials if these requirements are not fulfilled.

Educational inequality of still another kind exists in Delaware. For purposes of taxation, Delaware has two school systems. Local taxes for white schools are levied on the person and property of white citizens; local taxes for colored schools are levied on the person and property of colored citizens. This practice is clearly undemocratic. In apportioning its own funds the state makes no such distinction; it ought not to countenance any such distinction in respect to local taxation. Nowhere else in the United States does this practice prevail. It is absolutely indefensible.

Finally, there remain certain features of the old tax system that should be eradicated. For example, the clerks of the local school boards still make up the tax duplicate for their respective districts, and collect the school taxes. There are, accordingly, some 424 school tax collectors in the state, each getting 8 or 10 per cent. of the amounts collected after the 10th of August; persons who pay their school taxes before August 10th get a discount of 8 per cent. The amount received by any

one collector is not large, and there are clerks who take nothing for this service. Of those taking the fees, the average in 130 one teacher districts reporting was, in 1917-18, for Kent County, \$20; for New Castle County, \$15; and for Sussex County, \$18.<sup>1</sup> Yet the aggregate amounts to several thousand dollars. Economy and efficiency alike require that school taxes should be collected as other local taxes are collected, without the intervention of a special army of school tax collectors. Under a county system of school organization, it is easy to centralize school tax collection. The county school board would make the levy for all the schools, white and colored, under its jurisdiction, and the taxes so levied would be collected by the county collector; in the few separate districts provided for, the local board of education would make the levy for all the schools, white and colored, under its jurisdiction, and this levy would be collected by the collector of other municipal taxes.

To summarize, the present financial support of Delaware schools is inadequate, school tax burdens are unequal, school support uneven, and the present system of school taxation undemocratic. These undesirable conditions will persist so long as the state allows practically unrestricted freedom to small local units. A sound system will not hamper local initiative; but it will begin by requiring that the local unit should at least do its duty. In apportioning state funds, the state

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<sup>1</sup>See Appendix, Table XVI, page 108c.



should seek to equalize educational opportunities and school tax burdens, taking into consideration the differences between the elementary school and the high school. Finally, if Delaware is to have good schools, it is certain that the amount of local financial support must be greatly increased; it may also prove necessary for the state to increase its appropriations. Let it not be forgotten that improved education cannot be obtained without expense; let it also be remembered that the states which hold their own people and attract immigration are not the states that have low taxes and poor schools, but rather those that have good schools for which the people are glad to tax themselves to the limit of their resources.

## X. CONCLUSIONS

**I**N THE course of the preceding chapters we have, in describing and criticizing present conditions, also indicated the nature of the changes required. In the present chapter, these suggestions will be brought together in order that the reader may obtain a clear view of the reorganization that is, in our judgment, imperative.

The state board of education should become a lay board to which persons officially connected as officers or trustees with institutions affected by its action should be ineligible. The board's function should be, not itself directly to manage or administer the schools, but to determine large questions of policy and to select agents whom it should hold to strict accountability. (The board should choose the commissioner of education, who should be its executive officer. )The principle on which the powers and duties of the board and the commissioner should be allotted is clear. Matters relating to government and legislation belong to the board; everything having to do with the execution of the will of the board, such as the inspection, supervision, and administration of the schools, belongs to the commissioner of education, subject to the board's authority and approval. A thoroughgoing revision of the school laws in strict conformity with this

principle will localize responsibility, facilitate the work of the commissioner of education, and free the board from the necessity of taking up technical details. The relation sought would be analogous to that existing between a board of directors and the manager of a business corporation. Like the board of directors, the state board would establish controlling policies; like the business manager, the commissioner of education would be responsible for the conduct of the schools in conformity with these policies.

The state board of education should be empowered to fix the salary of the commissioner and of subordinates selected on his recommendation and working under him. Its funds should be sufficient to cover the necessary incidental expenses of the board members, to provide suitable office quarters, equipment, and clerical assistance, and to prepare such publications as are necessary to inform the state of its work and of the condition and needs of the schools.

The powers of the state board need to be increased in other important respects. For example, the board is now authorized to withhold the whole or a part of the state dividend in case local school officials fail to comply with the law or with its rules and regulations. But, as we have pointed out, the laws, as well as the regulations of the board, are now violated with impunity. Meanwhile, the state distributes its dividends regardless of whether the law is enforced or broken. The remedy is obvious: The state board should be authorized in such



Typical Colored School



cases, on the recommendation of the commissioner of education, to remove the offending officials from office.

The state board should also be empowered to fix the grade of work that schools may attempt. The instruction in one teacher schools should probably be limited, where possible, to the first six grades. It may also prove important at times to limit the work undertaken in villages and towns. Many a village and town school, spurred by local pride, is now unduly expanded. Where this occurs, it would be in the interest of sound education to restrict the courses offered and to arrange to procure for the pupils further opportunities in other schools within reach.

Again, the state board should be vested with full powers over the examination and certification of teachers, county superintendents, supervisors, principals, and attendance officers. Under this arrangement, the higher certificates would usually be issued on the basis of satisfactory evidence of qualifications and experience, while the examinations of elementary teachers would be held, as now, at stated intervals, at the county seats of the respective counties. The questions would be prepared and the answers read by the state commissioner of education and his assistants, while the county superintendents would merely conduct the examinations and certify to the character of the applicants. Applicants would not be inconvenienced by the centralization of authority, while uniformity of standard would thus be established.

Finally, the school building situation in Delaware, as pointed out, is critical. Even of the newer school buildings, some are very good and some are very poor; but whether a new building is well planned or not is now a matter of accident. To introduce system where chance now rules, the state board should receive authority to prescribe regulations governing the building of school-houses, and the state commissioner, as its executive officer, should be required, after examining plans and specifications, to give written approval before building contracts become valid. Moreover, the state board, on the written recommendation of the commissioner of education, should be vested with authority to condemn school buildings where they are obviously a menace to the health and safety of the children.

In this, as in all other respects, the state board should act through its executive officer, the commissioner of education, but the resources at the disposal of the commissioner of education, inadequate at present, need to be extended as well as specialized, if the office is to be made efficient. The staff of the state department should be increased to include, at the very least, two stenographers, a clerk to be in charge of reports, and an assistant to be in charge of educational statistics and special studies. There should also be a reasonable allowance for office equipment, office supplies, printing, and traveling expenses.

The proposed program is not elaborate; if it seem so that is because the present organization is so utterly in-

adequate. The expense of conducting the state department should be regarded as an overhead charge, incurred for the purpose of getting better results from the state's present school expenditure. If we assume that the sum is \$15,000 a year, let it be remembered that this is the most economical way of making sure that the half million dollars raised by the state and locally are effectively employed. This is economy in the best and largest sense of the word.

A strengthened state department of education would avail little unless accompanied by a reconstructed and strengthened local educational organization. To this end, the county should be made the local administrative unit, at the head of which should be placed a county school board, with large educational and financial powers, and with an adequate professional staff. The more populous and wealthy centers should be erected into separate school districts, on condition that they fulfill certain requirements as to the grade of schools to be maintained, the grounds, buildings, and equipment to be provided, the preparation of the teachers to be employed, and the administrative direction and supervision to be supplied. Such a qualified county system permits the larger towns to enjoy a measure of local autonomy, and at the same time secures to the smaller towns, villages, and open country the benefits of a centralized organization.

Under a county school system, the county board of education represents local educational interests. That the people may have a direct voice in the control and



development of their schools, the county board of education should be elected by the people; but tenure should be so arranged as to give stability to the board and continuity to its policy. If members of the county board are chosen at the time of the general county election, they should be voted for on a separate ballot without partisan designations.

Even under a county system, there will still be need in rural sections of local school trustees, but these should be appointed by the county board and have restricted powers.

The educational powers of the county board, subject to the general law and the rules and regulations of the state board, should cover the making of rules and regulations applicable to the conduct of the schools under local conditions, the adaptation to local needs of courses of study outlined by the state department, and the selection, appointment, and assignment of teachers, on the nomination of the superintendent. The powers of the local trustees over principals and teachers should be limited to filing written charges with the county board in case of dissatisfaction, while the dismissal in each case should be ordered on the recommendation of the county superintendent, with the approval of the county board. Local pride and interest must, indeed, be cultivated, but these are in the end best subserved by those measures that make for school efficiency.

On the other hand, the county boards must be vested with financial power adequate to enable them to estab-

lish and maintain satisfactory schools; that is, they must be put in position to do their duty by the schools. At the present time there is scarcely a school in the state which is not suffering from unjustifiable lack of funds. To give county boards adequate financial powers does not mean needless expenditure of public money. School boards elected by the people are just as amenable to local influences as other bodies. They cannot go faster than local sentiment approves or local resources allow.

To be effective, the newly established county boards of education must be provided with an adequate professional staff, made up of a well trained county superintendent, qualified supervisors, and attendance officers. No one should be eligible to appointment as county superintendent unless he be a college graduate, who has had at least five years of experience in the elementary schools and not less than one year of professional graduate work in an approved university, specializing in educational administration and supervision. The appointee should also be required to procure a certificate from the commissioner of education and his appointment should bear the commissioner's written approval. The term of the county superintendent should be at least four years, and his salary should not be permitted to fall below a given minimum.

The county superintendent should bear full responsibility for the conduct of the schools in conformity with the state laws. He should have authority over the county courses of study, choice of textbooks from the

state list, school supplies, the grading of the schools, the examination and promotion of pupils, the admission of rural children into graded schools and into high schools, and the selection, employment, and placing of all teachers.

We have pointed out that the schools of Delaware suffer woefully from a lack of supervision. In fact, the schools in the open country and villages, and as a rule in the larger towns, are really not supervised at all. Well trained county superintendents will labor to little purpose unless provided with supervisory assistance. It should therefore be made mandatory upon each county to employ supervisors as follows: in Sussex County, not less than three; in Kent and New Castle counties, not less than two each, the counties being permitted to have as many more as may be locally thought desirable. To guard against incompetency, the supervisors employed should hold a certificate in supervision from the commissioner of education, based on academic and specialized professional training equivalent to graduation from college, and not less than three years of experience as a teacher in the elementary schools. They should receive a salary commensurate with the importance of their services.

Into schools thus improved the children of the state must be regularly and continuously brought. To this end, the state requires a genuine compulsory attendance law affecting all children old enough to go to school and all who have not completed the eight grades of the ele-

mentary school. But compulsory education does not enforce itself. Hence, the employment in each county of at least one attendance officer, whose qualifications are certified to and whose employment is approved by the state commissioner, should be made mandatory. To secure properly qualified persons for this important work, an adequate annual salary should be guaranteed.

Finally, in order that competent county educational officials may do the work awaiting them, decent quarters and a fair amount of office help are necessary. The state should, therefore, require county boards of education to provide satisfactory offices and office facilities, to employ adequate clerical assistance (at least one stenographer and statistical clerk), to provide means of travel and to bear all expenses necessary to the performance of official duties.

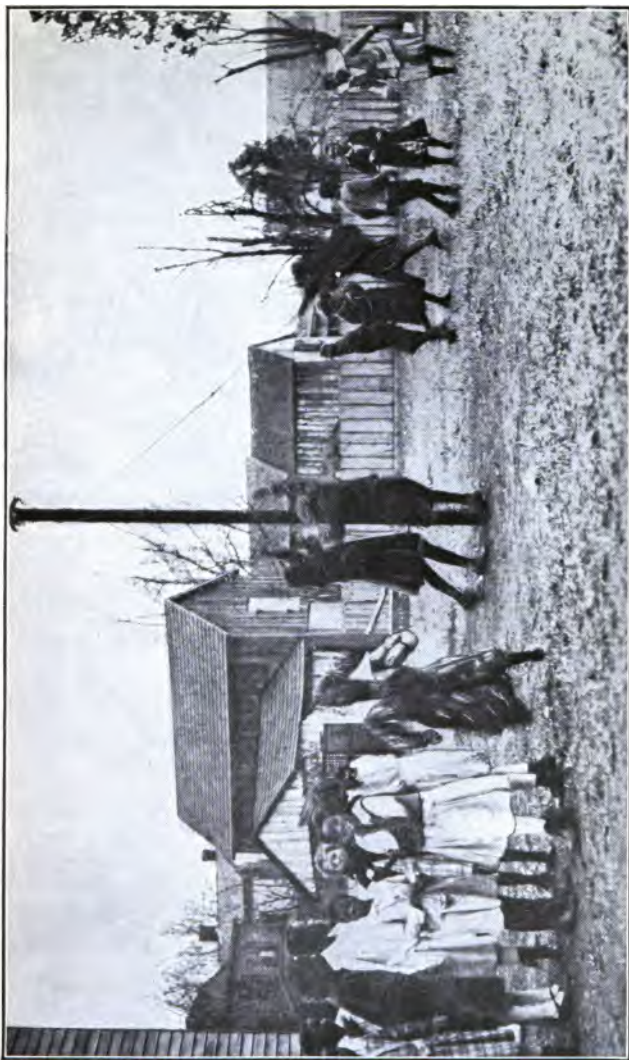
A county organization such as outlined involves the outlay in New Castle and Kent counties of approximately \$12,000 a year each, and in Sussex County, approximately \$14,000 a year, or a total for the three counties of \$38,000. Once more, however, this expenditure is made in order to obtain effective service from sums many times as great. To carry this overhead expense would be a heavy financial burden upon the counties. At the present time, the state bears the entire expense of the county boards and the county superintendents. It would, therefore, involve no new principle or precedent for the state to assume a part of the expense of the proposed county organization by bearing, for example,

the salary of the county superintendent, the supervisors, and the attendance officer.

As pointed out above, the adoption of the county system of organization is not inconsistent with making separate school districts out of the larger towns. These separate districts would have boards of education, elected by the people, with powers similar to those of the county boards. The authority to create separate districts should be vested in the state board of education, and these separate districts would be subject to its supervision. Towns erected into separate districts would continue as such so long as they met the requirements imposed by the law and the state board of education. On failure to meet these requirements, as revealed by state inspection, such towns would forfeit their privilege and their schools would automatically come under the control of the county board of education.

The foregoing changes in state, county, and local organization, and the proposed increased expenditures for professional administrative and supervisory assistance are all absolutely essential, and should, as soon as practicable, be followed by the making of proper provision for the training of elementary teachers, both white and colored. Delaware, as a sovereign state, cannot rely upon chance importation of trained teachers from the adjoining states—more especially as experience proves that it cannot even so obtain what it needs in respect to either number or quality.

These steps taken, it follows that the state board



Afternoon Recess



of education must be authorized to specify in terms of academic and professional training the conditions on which teachers' certificates may be granted, and the law must so circumscribe the granting of certificates that after a reasonable period of time they may be issued only to persons of satisfactory academic and professional preparation. Otherwise, certificates will continue to be issued, on the ground of expediency and temporary pressure, to the young, the inexperienced, and the ill trained.

Finally, a new method of distributing state funds should be introduced. In the first place, the state board of education should present to the governor, who would in turn transmit to the general assembly, a budget including, by items, all appropriations requested for public education. Conflict of interests would thus be avoided, and the part which the state is taking in the promotion and encouragement of public education would be made clear.

In the distribution of state dividends, a distinction should be made between the elementary and high schools. In apportioning state funds to elementary schools, two factors ought to be considered: (a) the school population between six and fourteen years of age, in so far as it is enrolled, and (b) school attendance. If the state's aid is based on school enrollment and attendance the state makes of its aid, as it should, a powerful lever in getting children into the school and in securing regular attendance.



A different principle is involved in aiding high schools. High schools, as suggested above, cost more than elementary schools, and the cost of high schools in Delaware is particularly high, because they are small and will doubtless continue to be small. Therefore, state aid to high schools should be distributed with direct reference to the cost of high school education. A certain specified sum should be allotted to first class high schools, that is, to those having four year courses; another amount to second class high schools, those having three year courses; and still another amount to third class high schools, those having two year courses.

There is a further important factor to be taken into account. A high school education should be within reach of every child in Delaware. While county boards of education should, as far as possible, develop high schools, the high schools of the state offering four year courses will of necessity be located mostly in the separate districts. Therefore, aid should be given with a view to making these high schools free and accessible to all the children of the county, county children being required to complete first the course as far as it goes offered by the high school nearest at hand.

The changes in the school laws of Delaware which we have suggested are at once obvious and fundamental. But we should in candor point out that even better laws do not of themselves make better schools. How much actual improvement results from the reorganization which we recommend will in the end depend on the

spirit in which this reorganization is effected. Politics, personal interest, local selfishness may go far to nullify the value of any reform. The new law will make good schools possible; Delaware will, however, obtain them only if the people of the state are seized with fresh interest and faith in education, only if they are thoroughly convinced that education is the most sacred and important of the state's functions, only if they are highly resolved that, whatever else Delaware does, the state will at least do what it is now conspicuously failing to do, namely, its plain duty to the children of the commonwealth.



**APPENDIX**  
**A. STATISTICAL TABLES**



TABLE I  
ATTENDANCE AT ANNUAL SCHOOL MEETINGS (WHITE), 1918

DISTRICT	NUMBER OF DISTRICTS REPORTING	AVERAGE NUMBER OF VOTERS IN DISTRICT	AVERAGE NUMBER VOTING AT ANNUAL MEETING	PER CENT. VOTING AT ANNUAL MEETING
Incorporated.	19	261	35	13
Rural.....	167	46	10	22
Total <sup>1</sup> .. ....	186	68	12	18

<sup>1</sup>150 white districts missing.

TABLE II  
DAYS SCHOOLS WERE IN SESSION IN DIFFERENT DISTRICTS, 1917-18

DISTRICT	DAYS SCHOOLS WERE IN SESSION						Average Number of Days in Session
	131 to 140	141 to 160	161 to 180	181 to 200	Unknown	Total	
Incorporated...	3	3	32	6		44	175
Rural.....	144	62	61	17	7	291	151
Colored.....	73	5	8		7	88	140
Total <sup>1</sup> .....	220	70	96	23	14	423	164

<sup>1</sup>1 district missing.

TABLE III  
CAPITATION TAX RATES, 1917-18

COUNTY AND DISTRICT	AMOUNTS LEVIED										Total
	\$2.00	\$2.50	\$3.00	\$3.50	\$4.00	\$4.50	\$5.00	\$5.50	\$6.00		
New Castle											
Incorporated.....	1		2		1	1	1		2	7	
Rural.....	32	6	5		4					48	
Colored.....	5	4	3	2						14	
Total.....	38	10	10	2	5	1	1		2	69	
Kent											
Incorporated.....	1	2			2	1	1		2	9	
Rural.....	37	11	5				1			54	
Colored.....	7	4	1		2					14	
Total.....	45	17	6		4	1	2		2	77	
Sussex											
Incorporated.....	1	1	1				3			6	
Rural.....	64	2	5		3					74	
Colored.....	9	3	2		1					15	
Total.....	74	6	8		4		3			96	
Incorporated.....	3	3	3							22	
Rural.....	133	19	15		3	2	4		4	176	
Colored.....	21	11	6	2	3		2			43	
Total.....	157	33	24	2	13	2	6		4	241	

1,183 districts missing.

<sup>1</sup>183 districts missing.

## 101

Total.....	16
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1177 districts missing.

COUNTY AND DISTRICT		CENTS LEVIED PER \$100																			TOTAL
		From 6 to 10 Cents	From 11 to 15 Cents	From 16 to 20 Cents	From 21 to 25 Cents	From 26 to 30 Cents	From 31 to 35 Cents	From 36 to 40 Cents	From 41 to 45 Cents	From 46 to 50 Cents	From 51 to 55 Cents	From 56 to 60 Cents	From 61 to 65 Cents	From 66 to 70 Cents	From 71 to 75 Cents	From 76 to 80 Cents	From 81 to 85 Cents	From 86 to 90 Cents	From 91 to 95 Cents	From 96 to 100 Cents	
New Castle	Incorporated.....	5	7	1	12	1	3	4	2	2	1	1	1	1	1					1	8
	Rural.....	1			1	6	3		1	1	1	1									54
	Colored.....																				12
	Total.....	6	7	17	13	10	4	5		6		2	1	1	1	1					74
Kent	Incorporated.....	1	10	11	13	9	1	6	3	1	3			1				1			9
	Rural.....				2	3			1	1	1	2			1						54
	Colored.....																				12
	Total.....	1	10	11	15	13	6	6	2	2	1	5		1		1		1			75
Sussex	Incorporated.....	9	19	1	5	5	1	6	1	2	2	1	1	1			1			1	6
	Rural.....				3	2	3	3	2	3	2	1					1				80
	Colored.....																				12
	Total.....	9	19	25	8	7	7	6	3	7	2	1		2			1				98
State	Incorporated.....	15	36	2	30	20	1	6	1	3	4		2	2	1		1			2	23
	Rural.....	1		51	6	8	16	6	2	5	2					1					188
	Colored.....																				36
	Total.....	16	36	53	36	30	17	17	5	15	3	8	1	4	1	1	1	1		2	247



TABLE V  
KINDS OF CERTIFICATES TEACHERS HOLD, 1918-19

TEACHERS IN	NUMBER HOLDING EACH KIND									TOTAL
	Provi- sional	Limited Elemen- tary	Per- manent Ele- men- tary	Lim- ited Sec- ondary	Per- manent Sec- ondary	Nor- mal	Col- lege	Special	Un- known	
High Schools . . . . .	1	3		8	4	25	32	5	3	81
Elementary Schools										
Incorporated Districts	15	118	24	2		23	4	1	3	190
Rural Districts . . . . .	53	201	14	1	1	10	1		5	291
Total . . . . .	73	319	38	3	1	38	5	1	8	481
Colored Schools . . . . .	6	36	1	3		19	13		11	89
Grand Total <sup>1</sup> . . . . .	80	353	39	14	5	77	50	6	22	651

<sup>1</sup>13 teachers missing.

TABLE VI  
PREPARATION OF TEACHERS, 1918-19

TEACHERS IN	PREPARATION											TOTAL	ATTENDED SUMMER SCHOOL 1918
	Elem. School Only	PART HIGH SCHOOL			Full High School	Part Nor- mal School	Full Nor- mal School	Part Col- lege	Full Col- lege	Special Train- ing	Un- known		
		1 year	2 years	3 years									
High Schools.....					7	12	13	9	35			81	12
Per Cent. of Total.....					8.6	14.8	16.1	11.1	43.2			100	
Elementary Schools													
Incorporated Districts....	3	8	18	55	57	5	26	12	4	1	1	190	40
Rural Districts.....	42	14	44	81	81	4	12	5	1	7		291	70
Total.....	45	22	62	136	138	9	38	17	5	1	8	481	110
Per Cent. of Total.....	9.3	4.6	12.9	28.3	28.7	1.9	7.9	3.5	1.0	0.2	1.7	100	
Colored Schools.....	2	5	1	11	28	2	36	3	1			89	14
Per Cent. of Total.....	2.2	5.6	1.1	12.4	31.5	2.2	40.5	3.4	1.1			100	
Grand Total.....	47	27	65	150	173	23	87	29	41	1	8	651	136

183 teachers missing.

183 teachers missing.

TABLE VII  
AGES OF TEACHERS IN SERVICE, 1918-19

TEACHERS IN	AGES											Total
	17	18	19	20	21	22	23	24	25	Over 25	Un- known	
High Schools.....		1		3	5	8	4	4	5	51 <sup>1</sup>		81
Elementary Schools												
Incorporated Districts.....	7	9	15	10	17	16	12	8	94 <sup>2</sup>		2	190
Rural Districts.....	8	33	36	32	33	16	15	10	14	93 <sup>3</sup>	1	291
Total.....	8	40	45	47	43	33	31	22	22	187	3	481
Colored Schools.....	1	2	2	3	4	10	8	6	5	47 <sup>4</sup>	1	89
Grand Total <sup>5</sup> .....	9	43	47	53	52	51	43	32	32	285	4	651

<sup>1</sup>The oldest high school teacher is fifty-seven years of age, and there are only 4 fifty years of age and over.

<sup>2</sup>The oldest teacher is seventy years of age, and there are only 13 fifty years of age and older.

<sup>3</sup>The oldest teacher is sixty-four years, and there are only 6 teachers fifty years of age and older.

<sup>4</sup>The oldest colored teacher is fifty-nine years of age, and there are only 4 fifty years of age and older.

<sup>5</sup>83 teachers missing.

TABLE VIII  
YEARS OF SERVICE IN DELAWARE, 1918-19

TEACHERS IN	YEARS OF SERVICE								TOTAL
	Less Than One Year	One Year	Two Years	Three Years	Four Years	Five Years	Over Five Years	Un- known	
High Schools.....	29	11	8	9	2	3	16	3	81
Elementary Schools									
Incorporated Districts....	22	17	21	14	12	13	85	6	190
Rural Districts.....	91	40	32	14	17	12	77	8	291
Total.....	113	57	53	28	29	25	162	14	481
Colored Schools.....	18	9	5	7	6	10	30	4	89
Grand Total.....	160	77	66	44	37	38	208	21	651

<sup>133</sup> teachers missing.

TABLE IX  
YEARS OF SERVICE IN PRESENT POSITION, 1918-19

TEACHERS IN	YEARS IN PRESENT POSITION							TOTAL
	New	1 Year	2 Years	3 Years	4 Years	5 Years	Over 5 Years	Un- known
High Schools.....	40	16	9	3	2		91	2
Elementary Schools								
Incorporated Districts....	70	31	22	9	10	6	41 <sup>2</sup>	1
Rural Districts.....	90	43	33	17	16	12	77 <sup>3</sup>	3
Total.....	160	74	55	26	26	18	118	4
Colored Schools.....	45	19	4	4	4	3	9	1
Grand Total <sup>4</sup> .....	245	109	68	33	32	21	136	7

<sup>1</sup>The longest term of service in one position is 19 years; only 9 teachers have been in their present positions more than four years.

<sup>2</sup>The longest term of service in one position is 37 years; only 28 have been in their present positions ten years and longer.

<sup>3</sup>Forty-five teachers have been in their present positions from six to ten years; 20 teachers from eleven to twenty years; 10 teachers from twenty-one to thirty years; and 4 teachers from thirty-one to forty years.

<sup>4</sup>3 teachers missing.





TABLE XI  
ENROLLMENT BY AGES, 1917-18

Kind of School	Ages														Total	
	5	6	7	8	9	10	11	12	13	14	15	16	17	18 and over		Un-known
Incorporated Districts: .....	78	797	793	848	879	827	813	890	848	825	638	426	237	142	12	9,053
High Schools .....	—	—	—	—	—	—	—	5	62	243	354	301	205	131	5	1,306
Elementary Schools .....	78	797	793	848	879	827	813	885	786	582	284	125	32	11	7	7,747
Rural Schools .....	179	952	1,053	1,125	1,148	1,186	1,061	1,068	864	743	476	243	146	56	35	10,335
Total White .....	257	1,749	1,846	1,973	2,027	2,013	1,874	1,958	1,712	1,568	1,114	669	383	198	47	19,388
Colored Schools .....	74	318	364	378	423	418	380	469	388	353	240	169	63	30	39	4,106
Grand Total <sup>1</sup> .....	331	2,067	2,210	2,351	2,450	2,431	2,254	2,427	2,100	1,921	1,354	838	446	228	86	23,494

<sup>1</sup> Exclusive of pupils of 11 white teachers and 10 colored teachers who did not report, an estimated total of 669.



**TABLE XII**  
**LENGTH OF COMPULSORY ATTENDANCE PERIOD IN WHITE DISTRICTS,**  
**1917-18**

KIND OF DISTRICT	NO. OF MONTHS IN COMPULSORY PERIOD						TOTAL
	3 Mos.	4 Mos.	5 Mos.	6 Mos.	7 Mos.	Un-known	
Incorporated	2	10	29	1	2		44
Rural.....	118	41	105	4	4	17	284
Total <sup>1</sup> .....	115	51	134	5	6	17	328

<sup>1</sup>8 white districts missing.





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TABLE XIV  
RECEIPTS FOR 1917-18<sup>1</sup>

COUNTY AND DISTRICT	STATE DIVIDENDS		LOCAL TAXES		TUITION OF OUT- SIDE PUPILS		OTHER SOURCES		Total
	Amount	Per Cent.	Amount	Per Cent.	Amount	Per Cent.	Amount	Per Cent.	
New Castle.....	\$36,410.45	25.4	\$91,682.00	64.0	\$6,417.75	4.5	\$8,757.96	6.1	\$143,268.16
Incorporated.....	11,794.42	17.3	40,715.02	61.5	6,317.75	9.5	7,423.52	11.2	66,253.11
Rural.....	18,781.63	28.1	47,793.40	71.4			356.49	0.5	66,931.52
Colored.....	5,834.40	67.8	3,173.58	31.5	100.00	1.0	975.55	9.7	10,083.53
Kent.....	44,875.00	31.1	85,929.10	59.6	6,777.04	4.7	6,886.69	4.6	144,267.83
Incorporated.....	21,115.86	23.1	57,809.82	63.1	6,569.30	7.2	6,089.59	6.6	91,534.57
Rural.....	15,396.10	39.4	23,636.82	60.4			66.12	0.2	39,099.04
Colored.....	8,363.04	61.3	4,482.46	32.9	207.74	1.5	590.98	4.3	13,634.22
Sussex.....	56,904.57	35.6	92,052.18	57.5	7,745.99	4.8	3,316.34	2.1	160,019.08
Incorporated.....	20,996.09	25.5	51,663.24	62.6	7,360.20	8.9	2,459.66	3.0	82,479.19
Rural.....	28,465.11	43.8	35,876.86	56.3	348.33	0.5	233.09	0.4	64,923.39
Colored.....	7,443.37	59.0	4,512.08	35.8	37.46	0.3	623.59	4.9	12,616.50
State.....	138,190.02	30.9	269,663.28	60.2	20,940.78	4.7	18,780.99	4.2	447,555.07
Incorporated.....	53,906.37	22.5	150,188.08	62.5	20,247.25	8.4	15,925.17	6.6	240,266.87
Rural.....	62,642.84	36.6	107,307.08	62.8	348.33	0.2	655.70	0.4	170,953.96
Colored.....	21,640.81	59.6	12,168.12	33.5	345.20	0.9	2,180.12	6.0	36,334.26

<sup>1</sup>In the case of 13 districts which did not report, receipts for 1915-16 were substituted.



**APPENDIX**  
**B. NEW SCHOOL CODE**



## APPENDIX

### B. NEW SCHOOL CODE

AN ACT to repeal Chapter 71 of the revised Code of the State of Delaware entitled "Free Schools" and to provide a new Chapter 71 entitled "Public Schools."

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:—

SECTION 1. That Chapter 71 of the Revised Code of the State of Delaware be, and the same is hereby repealed, including 2273, Section 1, and 2326. Section 54, and all intervening Sections, as the same have been heretofore amended, being the entire Chapter, and this new Chapter 71 is provided in lieu thereof, containing the following Sections: 2273, Section 1, and 2326-164. Section 216, and all intervening Sections; and all Acts and all parts of Acts inconsistent with the provisions of said new Chapter 71 are hereby repealed.

#### ARTICLE I

##### *State Board of Education*

2273. Section 1. The General administration and supervision of the free public schools and of the educational interests of the State shall be vested in a State Department of Education, at the head of which shall be a State Board of Education. The State Board of Education shall be composed of five members, who shall be appointed by the Governor from the citizens of the State, for a term of five years, beginning on the first day of July next succeeding their appointment, and they shall hold office until their successors qualify. Provided that the terms of office of persons who are members of the Board at the time this Act goes into effect shall automatically expire, but such members of said Board shall be



qualified for appointment under the provisions of this Section, except in such cases as they are disqualified by the provisions of this Section. In making the first appointments under this Section, the Governor, immediately after this Act goes into effect, shall appoint to this Board one member to serve until the first day of July, 1920; one member to serve until the first day of July, 1921; one member to serve until the first day of July, 1922; one member to serve until the first day of July, 1923; and one member to serve until the first day of July, 1924; and until their respective successors qualify. Thereafter, as the respective vacancies occur, appointments to this Board shall be made by the Governor before the first day of July and the term of each member shall be five years. The members of the Board shall be appointed solely because of their character and fitness, but no person shall be appointed to this Board who is in any way subject to its authority. Vacancies on the Board for any cause shall be filled by the Governor for the unexpired term, and until a successor qualifies. Any member of this Board shall be eligible for reappointment unless otherwise disqualified by the provisions of this Section.

2274. SECTION 2. The offices of the State Board of Education shall be at Dover and shall be provided by the State. The State Board of Education shall hold its annual meeting each year, at its office, on the first day of July. At this meeting the Board shall each year elect one of its members to serve as President, and one to serve as Vice-President. Other regular meetings shall be held on the first day of September, December, and March, and such special meetings may be held and at such places as the duties and business of the Board may require. The rules generally adopted by deliberative bodies for their Government shall be observed by the State Board of Education. No motion or resolution shall be declared adopted without the concurrence of a majority of the whole Board.

2275. SECTION 3. The members of the State Board of Education shall receive as compensation ten (\$10.00) dollars per day for each day's attendance at the meetings of said Board provided that they shall not receive pay for more than one day's attendance each calendar month and shall also receive their actual traveling and other necessary expenses incurred in attending the meetings and transacting the business of the Board.

2276. SECTION 4. The State Board of Education shall appoint,

subject to the provisions of Section 31 of this Chapter, as its executive officer, a State Commissioner of Education, who shall also be the Secretary of the State Board of Education. As Secretary he shall conduct all correspondence of the Board, keep and preserve all of its records, receive all reports required by the Board and see that such reports are in proper form, complete and accurate. He shall attend all meetings of the Board and of its committees, except when his own tenure, his salary, or the administration of his office are under discussion, and shall have the right to advise on any question under consideration, but shall have no right to vote. In case the office of the State Commissioner of Education is temporarily vacant, or when the State Commissioner is absent by reason of the business in hand, the Board shall appoint one of its members to act for the time being as Secretary.

2277. SECTION 5. The State Treasurer shall be the Treasurer of the State Board of Education. He shall receive and hold all moneys which the State Board of Education is entitled to by law and which may come into its possession, and shall deposit all such moneys in the financial institution which is the legal depository of State moneys in the custody of the State Treasurer. He shall pay out all such moneys on the written order of the President of the State Board of Education and of its Secretary, and shall keep such records and accounts of its funds as the State Board of Education may require.

2278. SECTION 6. The State Board of Education shall cause the provisions of this Chapter to be carried into effect. It shall determine the educational policies of the State and enact by-laws, or rules and regulations for the administration of the public school system, which, when enacted and published, shall have the force of law. For the purpose of enforcing the provisions of this Chapter, and the enacted and published by-laws of the Board, the State Board of Education is empowered and shall remove, for immorality, misconduct in office, incompetency or wilful neglect of duty, any officer elected by popular vote or appointed under the provisions of this Chapter or any special school law, giving him a copy of the charges against him and an opportunity of being publicly heard, in person or by counsel, in his defense, upon not less than ten days' notice. Vacancies in office caused by such removals shall be filled by the State Board of Education, such appointees holding office until the next regular school election, when the vacancy or vacancies

shall be regularly filled for the remainder of the unexpired term of the officer or officers removed.

2279. SECTION 7. The State Board of Education shall exercise, through the State Commissioner of Education and his professional assistants, general control and supervision over the free public schools of the State; they shall consult with and advise through their executive officer and his professional assistants, County Boards of Education, Boards of Education of Special School Districts, Boards of School Trustees, County Superintendents of Schools, Superintendents of Schools of Special School Districts, supervisors, attendance officers, principal teachers, and interested citizens, and shall seek in every way to direct and develop public sentiment in support of public education.

2280. SECTION 8. The State Board of Education shall prescribe rules and regulations for the hygienic, sanitary and protective construction of school buildings. It is empowered and shall in its discretion condemn for school purposes, public school buildings that violate these rules and regulations. No contract for the erection of a new public school building, or for the material alteration of an old public school building, costing three hundred dollars (\$300) or more, shall be valid unless the plans and specifications for the same shall have been approved by the State Board of Education and received the written endorsement of the State Commissioner of Education.

2281. SECTION 9. The State Board of Education shall prescribe rules and regulations for the protection of the health, physical welfare, and physical inspection of school children of the State.

2282. SECTION 10. The State Board of Education shall prescribe rules and regulations for grading and standardizing all public schools. It shall limit on the basis of the equipment and number of teachers employed, the years and grades of instruction offered in such schools. It shall prescribe the minimum requirements for issuing all certificates and diplomas from public schools of this State, and, in co-operation with the President of Delaware College and the Dean of the Women's College of Delaware, the minimum requirements for issuing all academic, normal school, collegiate, professional, or university degrees. No public school with only one teacher, unless otherwise authorized by the State Board of Education, shall attempt more than the first six grades of elementary school work, and no public school shall attempt high school instruction

without the consent of the State Board of Education. Nor shall any public or private educational institution issue any certificate, diploma, or academic, collegiate, professional, or university degree unless in accord with the requirements prescribed as aforesaid.

2283. SECTION 11. The State Board of Education shall prescribe minimum courses of study for all public elementary schools and all public high schools. These courses of study shall be printed in such quantities as to provide each public school official and teacher with a copy, and sufficient for distribution among private schools and interested citizens of the State. In every elementary school of and in the State there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Delaware, community civics, elementary science, hygiene and sanitation, physical training, and such other studies as may be prescribed by the State Board of Education. English shall be the only language employed and taught in the first six grades of the elementary schools of and in the State, provided in case this provision is violated by individuals, private educational associations, corporations, or institutions, the State Board of Education shall take such legal action as will enjoin such violation.

2284. SECTION 12. The State Board of Education shall prescribe the textbooks to be used in all elementary schools and in all high schools of the State. The State Board of Education shall also fix with the respective publishers the prices at which their respective textbooks shall be sold to the County Boards of Education and to the Boards of Education of Special School Districts. The State textbook list shall be an open list, that is, a list from which the local school authorities may choose. Textbooks may be added to or dropped from the list at any regular meeting of the Board, provided that when a textbook has been added to the list it may not be dropped before the expiration of four (4) years from the date of its being placed on the list. This list of textbooks shall be printed in such quantities as to provide each public school official and teacher with a copy, and sufficient for distribution among private schools and interested citizens of the State.

2285. SECTION 13. The State Board of Education shall prescribe rules and regulations, also the subjects and the standards of teachers' examinations, agreeable to the provisions of Article 8 of this Chapter,

for the certification of teachers in the public schools of the State and, in co-operation with the President of Delaware College and the Dean of the Women's College of Delaware, for the acceptance of the diplomas of the normal schools, colleges, and universities of Delaware, as well as of other states. No individual, public or private educational association, corporation, or institution shall offer a course or courses for the training of public school teachers without having first procured the assent of the State Board of Education of such teacher training course.

2286. SECTION 14. The State Board of Education shall prescribe, in co-operation with the President of Delaware College and the Dean of the Women's College of Delaware, the conditions on which teachers now employed and prospective teachers may attend summer school and receive from the State the whole or part of the expenses incurred by such summer school attendance.

2287. SECTION 15. The State Board of Education shall prescribe, subject to the provisions of Article 12 of this Chapter, the conditions as to buildings, educational equipment and supplies, library, laboratories, courses of study and units of work offered, number and qualifications of teachers employed, and enrollment and average daily attendance which must be fulfilled in order that high schools may secure the respective amounts of State aid provided for in Article 12 of this Chapter. The State Board of Education shall annually, prior to the fifteenth of September, make, and publish a list of the high schools of each class entitled to State aid according to the provisions of Article 12 of this Chapter.

2288. SECTION 16. The State Board of Education shall prescribe rules and regulations governing the admission of pupils from schools under the jurisdiction of County Boards of Education into the schools—particularly into the high schools—of the special school districts. It shall fix the tuition rates which the County Boards of Education shall pay the Boards of Education of such special school districts for the instruction of children so admitted; but in determining the rate of tuition to be paid, account should be taken of the State aid received by such high schools and also of benefits derived by such schools from the provisions of the Smith-Hughes Vocational Education Act, that is the tuition rate should be a reasonable rate, based on the actual local cost of high school instruction. Provided that children must first exhaust their respective local educational opportunities, that four year high school

opportunities shall be open to all the children of the State, and that in all cases the tuition shall be a county educational expense, to be paid by the County Board of Education.

2289. SECTION 17. The State Board of Education shall prescribe rules and regulations fixing the date of the opening and closing of the several school terms in the school year, the hours of the daily school sessions, holidays on which the schools shall be closed, the pay of the teachers during absence because of sickness or quarantine, or when the schools are closed by quarantine, and the forms of contract that shall be executed between Boards of Education and all regular employees.

2290. SECTION 18. The State Board of Education shall prescribe subject to the provisions of Section 122 of this Chapter, the conditions as to buildings and grounds, educational equipment and supplies, kinds and grades of schools supported, courses of study and units of work offered, number and qualifications of teachers employed, supervisory and administrative direction and control provided which must be met and fulfilled in order that those cities and towns designated as special school districts in Section 121 of this Chapter may continue to exercise the privileges of a special school district and to operate their respective schools under Articles 5 and 6 of this Chapter, and which must be met and fulfilled by cities or towns before they may be erected by the State Board of Education into special school districts and operate their respective schools under Articles 5 and 6 of this Chapter. In case any city or town designated in Section 121 of this Chapter as a special school district, or any city or town hereafter erected into a special school district by the State Board of Education, fails to comply with the provisions of Section 122 of this Chapter, and the rules and regulations of the State Board of Education enacted under the provisions of this section, such city or town shall by order of the State Board of Education cease to exist as a special school district and shall automatically become a part of the County system of schools and subject to the authority and jurisdiction of the County Board of Education. In case any city or town designated in Section 121 of this Chapter as a special school district, or any city or town hereafter erected into a special school district, according to the provisions of this Section, shall by order of the State Board of Education cease to be a special school district, all property belonging to or held by the Board of Education of said special school district, and all

assets, shall pass to the County Board of Education and be held in the corporate name of this Board, and the Board of Education of such special school district shall make and execute such deeds of conveyance as are necessary to pass to the County Board of Education the legal title to all such property; and all liabilities of the Board of Education of such special school district shall, after proper audit by the Auditor of Accounts, be assumed by the County Board of Education. When a new special school district is created under the provisions of this Section, there shall pass from the County Board of Education to the Board of Education of said new special school district, and be held in the corporate name of this Board, all property that naturally belongs to such new special school district, as determined by the State Board of Education and the County Board of Education shall make and execute such deeds of conveyance as are necessary to pass to the Board of Education of such special school district the legal title to all such property; provided that in case of a county school debt, the Board of Education of the new special school district shall assume its just proportion of such county school debt, as determined by the State Board of Education on consultation with the County Board of Education, and the State Board of Education shall prescribe the conditions under which this debt shall be assumed. The State Board of Education is empowered and authorized to change, alter, fix and determine the boundaries of any and all special school districts herein designated, and of any and all special school districts hereafter created.

2291. SECTION 19. The State Board of Education and the State Commissioner of Education shall co-operate with County Boards of Education in the consolidation of the schools under the jurisdiction of County Boards of Education. The State Board of Education is authorized, empowered, directed, and required, to contribute twenty (20) per cent. of the total first cost of the grounds, buildings, and equipment of such consolidated schools, provided that in no fiscal year shall the amount so contributed exceed ten thousand dollars (\$10,000), and provided, further that the plans for such consolidation and the plans for such grounds, buildings, and equipment are approved by the State Board of Education.

2292. SECTION 20. The State Board of Education shall prescribe the rules and regulations for taking a biennial school census of all children within the State between six and eighteen years of age, inclusive; also

the forms and blanks to be employed in taking such census and in compiling the reports thereon.

2293. SECTION 21. The State Board of Education shall prescribe rules and regulations for the enforcement of school attendance as provided for in Article 10 of this Chapter.

2294. SECTION 22. The State Board of Education shall prescribe a uniform series of forms and blanks for the use of County Boards of Education, Boards of Education of special school districts, Boards of School Trustees, school officials, and teachers and shall require all financial accounts, including the annual school budget, and all educational records to be kept and all reports to be made according to these forms and blanks.

2295. SECTION 23. The State Board of Education shall require all persons conducting private schools, and all private educational associations, corporations or institutions to report annually, on or before the thirty-first day of August as to enrollment, age of pupils, and attendance, on such forms as the State Board of Education may provide. Moreover, the State Board of Education shall require all private schools of an elementary and high school grade to report monthly, on forms provided by the State Board of Education, to the Superintendent of the Schools of the Special School District or to the County Superintendent of Schools, according to the location of the private school in question, giving the name of each pupil enrolled, the date of enrollment, total days of attendance to date, and the number of days in attendance during the month in which the particular report is made.

2296. SECTION 24. The State Board of Education is authorized, empowered, directed, and required, along with the State Commissioner of Education to co-operate with the Federal Board of Vocational Education in the administration of the provisions of the Smith-Hughes Vocational Education Act. The State of Delaware accepts the benefits of this act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, entitled: "An Act to provide for the promotion of vocational education; to provide for co-operation with the State in the promotion of such education in agriculture and the trades and industries; to provide for the co-operation with the State in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," and will observe and comply with



all the requirements of said Act, and the State Treasurer is hereby designated as custodian of any funds accruing to the State from the aforesaid Act.

2297. SECTION 25. The State Board of Education shall administer and enforce the law regulating the importation of dependent children, as given in Article 11 of this chapter.

2298. SECTION 26. The State Board of Education shall conduct investigations relating to the educational needs of the State and the means of improving educational conditions; it may employ additional expert assistance for such investigations if needed, and appoint special agents for special investigations.

2299. SECTION 27. The State Board of Education shall transmit biennially to the Governor and to the General Assembly, certified to by the State Commissioner of Education, an annual State public school budget, including the annual appropriation required for the State Department of Education, comprising the expenses of the State Board of Education, and the support and expenses of the Office of the State Commissioner of Education; the annual appropriation for the payment of the teachers' expenses for summer school attendance; the annual appropriation for the encouragement of the consolidation of schools; the annual appropriation to meet the provisions of the Smith-Hughes Vocational Education Act; the annual appropriation for the payment of the salaries of county superintendents, county supervisors, and county attendance officers; the annual appropriation for State aid to approved high schools; the annual appropriation for State aid to elementary schools; and such other appropriations as may be required for the support of the free public schools and the encouragement of public education.

2300. SECTION 28. The State Board of Education shall submit each year, on or before the first day of January, to the Governor an annual report, prepared by the State Commissioner of Education and approved by the State Board of Education, covering all operations of the State Department of Education, and support, condition, progress, and needs of education throughout the State. Such annual report shall be printed in sufficient quantities for general distribution.

2301. SECTION 29. It shall be the duty of the State Board of Education to consider the educational needs of the State, and to recommend to the Governor and the General Assembly such additional legislation, or

changes in existing legislation, as may be deemed desirable. Such recommendations shall be in the form of prepared bills and shall be laid before the Governor and General Assembly. The State Board of Education and the State Commissioner of Education shall be given a hearing on the same by the committees of the Senate and the House of Representatives to which such bills are referred, if this is requested.

2302. SECTION 30. The State Board of Education shall perform such other duties as are assigned to it elsewhere in this Chapter, or may be assigned to it from time to time by the General Assembly.

## ARTICLE 2.

### *State Commissioner of Education*

2303. SECTION 31. The State Board of Education shall appoint a State Commissioner of Education for a term of two years and said Board shall fix his salary and pay same from the appropriation for the expenses and maintenance of the State Department of Education. He shall be a graduate of a standard college, have no less than two years of academic and professional graduate preparation in a standard university, and not less than seven years' experience in teaching and administration. Provided that the present State Commissioner of Education shall serve to the end of the term for which he was originally appointed, and until a successor qualifies. The State Commissioner of Education may be removed by the Board for immorality, misconduct in office, incompetency or wilful neglect of duty, upon making known to him, in writing, the charges against him, and upon giving him an opportunity of being heard, in person or by counsel, in his own defense, upon not less than ten days' notice. In case of vacancy due to any cause, the State Board of Education shall fill the vacancy, and the appointment shall be for a full term, and until a successor shall qualify.

2304. SECTION 32. The State Board of Education shall explain the true intent and meaning of the school laws and of the enacted and published by-laws or rules and regulations of the State Board of Education. It shall decide without expense to the parties concerned, all controversies and disputes involving the proper administration of the public school system. The Commissioner of Education shall have authority to administer oaths and to examine under oath, in any part of the State, wit-

nesses in any matter pertaining to the public schools, and to cause the examination to be reduced to writing. Any person who, having been sworn or affirmed by him to tell the truth, and who wilfully gives false testimony, shall be guilty of false swearing and punished as perjury is punished.

2305. SECTION 33. The State Commissioner of Education shall enforce all the provisions of this Chapter and the enacted and published by-laws or rules and regulations of the State Board of Education. He is empowered and directed to file charges with the State Board of Education and recommend for removal any school officer elected by popular vote or appointed under the provisions of this Chapter or special school law, for immorality, misconduct in office, insubordination, incompetency, or wilful neglect of duty.

2306. SECTION 34. The State Commissioner of Education shall execute the educational policies of the State Board of Education. He shall call and conduct conferences of County School Boards, Boards of Education of special school districts, Boards of School Trustees, County Superintendents, Supervisors, Attendance Officers, Superintendents of schools of Special School Districts, Principals and Teachers, on matters related to the condition, needs and improvements of the schools. He shall prepare and publish the school laws of the State and by-laws or rules and regulations of the State Board of Education, and such pamphlets as will stimulate public interest, promote the work of education, and foster in teachers professional insight and efficiency. He shall receive and examine all the reports required under the rules and regulations of the State Board of Education, and in person, or through his assistants, shall examine the expenditures, business methods, and accounts of County School Boards of Education, of special school districts and advise them on the same.

2307. SECTION 35. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption, by the State Board of Education, rules and regulations for the hygienic, sanitary, and protective construction of school buildings. He is empowered and directed to recommend for condemnation for school use by the State Board of Education all buildings used for school purposes that violate these rules and regulations.

2308. SECTION 36. The State Commissioner of Education shall, subject to the rules and regulations of the State Board of Education, pass

upon all proposals for the purchase of play grounds, school grounds or school sites, or buildings, and also upon all plans and specifications for the remodeling of old school buildings and the construction of new school buildings costing three hundred dollars (\$300) or more. In case the construction is to be done by a County Board itself, or by a Board of Education of special school district, it shall be illegal for a County Board or Board of Education of a special district to proceed until the plans and specifications shall have been approved in writing by the State Commissioner of Education; in case the construction is to be done by contract, the contract shall be invalid without the written approval of the State Commissioner of Education.

2309. SECTION 37. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for the protection of the health, physical welfare, and physical inspection of the school children of the State.

2310. SECTION 38. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for grading and standardizing all public schools of an elementary and high school grade; also for limiting, on the basis of the equipment and number of teachers employed, the years and grade of instruction that may be offered in such schools. He shall also prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, the minimum requirements for issuing all certificates, diplomas, and academic, collegiate, professional, or university degrees.

2311. SECTION 39. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, minimum courses of study for the different grades and kinds of public elementary schools, high schools, and, in co-operation with the President of Delaware College and the Dean of the Women's College of Delaware, minimum courses of study for normal schools, and also college courses for teachers.

2312. SECTION 40. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, lists of text-books to be used in all public elementary schools and all public high schools of the State.

2313. SECTION 41. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations governing the certification of teachers and the holding of teachers' examinations. Subject to the rules and regulations of the State Board of Education, and the provisions of Article 8 of this Chapter, he shall certificate all teachers in the public schools of the State of an elementary and high school grade.

2314. SECTION 42. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations under which teachers now employed and prospective teachers may attend summer school and receive from the State the whole or a part of the expenses incurred by such summer school attendance.

2315. SECTION 43. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval, and adoption by the State Board of Education, rules and regulations fixing the date for the opening and closing of the several terms of the school year, the hours of the daily school sessions, holidays on which the schools shall be closed, the pay of teachers during absence because of sickness or quarantine, or when the schools are closed by quarantine, and the forms of contract that shall be executed between Boards of Education and all regular employees.

2316. SECTION 44. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations, in agreement with Section 122 of this Chapter setting forth the conditions which must be met and fulfilled in order that cities and towns may exercise and continue to exercise the privileges of a special school district and operate their respective schools according to the provisions of Articles 5 and 6 of this chapter. The State Commissioner of Education shall annually inspect the management, conduct and work of the schools of each special school district, and in case of violations of the enacted rules and regulations of the State Board of Education and the provisions of Section 122 of this Chapter, he shall recommend to the State Board of Education that the given special school district be dropped from the list of cities and towns exercising the privileges of a special school district and of operating their respective schools according to the provisions of articles 5 and

6 of this Chapter. When application is made to the State Board of Education by a city or town to be erected into a special school district, the State Commissioner of Education shall investigate the management, conduct and work of the schools of the said city or town, report his findings, and make recommendations to the State Board of Education as to the granting or denial of the petition.

2317. SECTION 45. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for the approval and adoption by the State Board of Education, rules and regulations, in agreement with the provisions of Article 12 of this Chapter, setting forth the conditions which must be met and fulfilled in order that high schools may receive the respective amounts of State aid provided for in Article 12 of this Chapter. Subject to the enacted rules and regulations of the State Board of Education, and the provisions of Article 12 of this Chapter, the State Commissioner of Education shall annually inspect the management, conduct, and work of each high school receiving State aid according to the provisions of Article 12 of this Chapter. In case of violations of the enacted rules and regulations of the State Board of Education and the provisions of Article 12 of this Chapter, the State Commissioner of Education shall recommend to the State Board of Education that such high schools be dropped from the list of high schools receiving State aid according to the provisions of Article 12 of this Chapter. When application is made to the State Board of Education that a given high school be included in the list of high schools receiving State aid according to the provisions of Article 12 of this Chapter, the State Commissioner of Education shall investigate the management, conduct, and work of the given high school, report his findings, and make recommendations to the State Board of Education as to the granting or denial of the petition.

2318. SECTION 46. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations governing the admission of pupils from schools under the control of County Boards of Education into the schools of special school districts, and the rate of tuition to be paid for the instruction of pupils so admitted.

2319. SECTION 47. When a County Board of Education shall make application for the State aid, as provided for in section 19 of this Chapter, the State Commissioner of Education shall examine the proposed plans

for the new grounds, buildings, and equipment, report his findings, and make recommendations to the State Board of Education as to the granting or denial of the petition.

2320. SECTION 48. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for the taking of a biennial school census of all children in the State between six and eighteen years of age, inclusive, also the forms and blanks to be employed in taking such census and in compiling the reports thereon. This school census shall be taken under the direction of the State Commissioner of Education, first in the year 1920 and every two years thereafter. The State Commissioner of Education may cause the whole or any part of the school census of any county or any special school district to be retaken at any time, if, in his judgment, the whole or any part of such census has not been properly or correctly taken.

2321. SECTION 49. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for the enforcement of school attendance, as provided for in Article 10 of this Chapter.

2322. SECTION 50. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, a uniform series of forms and blanks for the use of County Boards of Education, Boards of Education of special districts, Boards of School Trustees, school officials, and teachers, and it shall be his duty to see that all financial accounts, including school budget, and all educational records are so kept and that all reports are made according to these forms and blanks. He shall also prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, forms and blanks to be used in the annual report and in the monthly reports required of persons conducting private schools and of private educational associations, corporations, or institutions.

2323. SECTION 51. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, plans and rules and regulations for the administration of the provisions of the Smith-Hughes Vocational Education Act.

2324. SECTION 52. The State Commissioner of Education shall pre-

pare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for the enforcement of the law regulating the importation of dependent children, as given in Article 11 of this Chapter.

2325. SECTION 53. The State Commissioner of Education shall propose from time to time to the State Board of Education, and submit or its approval and authorization, investigations into the educational needs of the State, and into means of improving educational conditions.

2326. SECTION 54. The State Commissioner of Education shall prepare, or cause to be prepared, the annual report of the State Board of Education and shall submit on or before the first day of December the same to the Board for its approval and adoption; he shall also prepare, or cause to be prepared, all other reports which are or may be required of this board.

2326-1. SECTION 55. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, the annual State public school budget.

2326-2. SECTION 56. The State Commissioner of Education shall prepare, or cause to be prepared, and submit prior to the regular meeting of the General Assembly for approval and adoption by the State Board of Education, such legislative measures as are, in his opinion, needed to further the development and to improve the free public schools of the State.

2326-3. SECTION 57. The State Commissioner of Education, acting under the rules and regulations of the State Board of Education, shall be responsible for the administration of the State Department of Education, and shall have general supervision of all the professional and clerical assistants of the department. He shall nominate for appointment by the State Board of Education and fix the salaries of, subject to the approval of the Board, all the professional and clerical assistants of the Department and may recommend their dismissal for immorality, misconduct in office, insubordination, incompetency, or wilful neglect of duty.

2326-4. Section 58. The State Department of Education shall hereafter be provided with at least the following clerical and professional assistants:

1. Two stenographers for the correspondence of the State Board of Education and of the State Commissioner of Education.



2. One record clerk in charge of all records and reports.
3. One professional assistant having charge of statistical tabulations and the compilation of reports, and who shall perform such other duties as may be assigned him by the State Commissioner of Education.
4. And such other clerical and professional assistants as may be authorized by the State Board of Education on the recommendation of the State Commissioner of Education, within the limits of the appropriation for the State Department of Education.

2326-5. SECTION 59. The State Commissioner of Education shall perform such other duties as are assigned to him elsewhere in this Chapter, or may be assigned to him from time to time by the State Board of Education and by the General Assembly.

### ARTICLE 3

#### *County Boards of Education*

2326-6. Section 60. The general administration and supervision of the free public schools and the educational interests of each county, with the exception of the special school districts, hereinafter created and designated, shall be vested in a County Board of Education. The County Board of Education shall be composed of three members. They shall be elected from the residents of the county, outside of the several special districts in the county, by the male residents, qualified as hereinafter provided, and by women who have paid a tax at any time during the preceding twelve months on real or personal property, at a special election for terms of three years beginning with the first day of July next succeeding their election, and shall hold office until their respective successors qualify.

Residents of special school districts shall not vote for members of the County Board of Education, but may vote for members of the Board of Education of their respective special school district. The County school election, herein provided for, shall be held on the third Saturday of June in each year, between the hours of two and four o'clock in the afternoon, and shall be conducted by members of the Board of School Trustees of the several school attendance districts. The President of the Board of Trustees of each school attendance district shall preside at the election, and the other two members of the Board shall be the Judges of the elec-

tion. Provided that if, for any reason, one or more of the members of the Board of School Trustees of any school attendance district should be unable to serve as election officers, the Board of School Trustees of such school attendance district, shall designate another person, or persons, to act in such capacity, and provided further that should the Board of School Trustees of any school attendance district fail, or neglect to act as election officers at any such election, or to provide other persons to act as such election officers, the voters present shall designate and appoint election officers to conduct the election in such school attendance district.

The County School Election shall be by ballot and the names of the candidates for election to the County Board of Education shall be entered on the ballot alphabetically, and without party designation. Nominations shall be made by petition, containing the written names of not less than twenty-five qualified voters of the respective county, outside of the special school districts in the county, and such petition shall be filed with the Clerk of the Peace not later than fifteen days prior to the time of the school election. The ballots and other needed election supplies shall be provided by the Clerk of the Peace.

Women entitled to vote at the County School Election shall be permitted to do so on presentation of a tax receipt for taxes assessed against them, within the preceding 12 months. Any male resident of the said school attendance district who would be entitled at the time of the holding of the said school election to register and vote in any election district, of which said attendance district is a part, at a general election, if such general election were to be held at the time of such school election, shall be deemed to be a qualified voter at the school election in the school attendance district where he then resides. The method of voting at such school election shall be that the voter shall indicate the candidate or candidates for whom he desires to vote by marking in front or after the name or names of such candidate or candidates a cross mark in pencil upon said ballot. If any person, not duly qualified to vote, shall offer to vote at a County School election, or shall offer to vote in more than one school attendance district in such election, he shall be guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, in the discretion of the Court. The election officers in each school attendance district shall ascertain the result of the election in their respective school attendance districts, and shall certify in duplicate the

result of said election, under their hands, and the presiding officer at such election shall immediately forward one of said certificates to the State Board of Education at Dover, and shall retain in his custody the other of said certificates, together, with the ballots cast at said election until after the canvass of the vote by the State Board of Education.

On Thursday succeeding such election, the State Board of Education shall meet at Dover, as a Board of Canvass, and shall publicly ascertain and announce the result of the election in the respective counties of the State. If the presiding officer of the election in any school attendance district shall neglect to forward the certificate of the result of said election, as heretofore specified, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the Court. When this Act goes into effect the terms of office of the persons who are at that time members of the County School Commissions shall automatically expire, but such members of the Commission shall be qualified for appointment and election under the provisions of this Section, except in such cases as they are disqualified by the provisions of this section. When this Act goes into effect, the Governor shall as soon as possible thereafter appoint from the qualified voters of the county, outside of the special school districts, three members to the County Board of Education, who shall take office immediately and serve until the first day of July, 1920, and until their successors qualify. At the school election of 1920, three members shall be elected to the County Board of Education; one to serve for one year, or until the first day of July, 1921; one to serve for two years, or until the first day of July, 1922, and one to serve for three years, or until the first day of July, 1923, and until their respective successors qualify. Provided that in the first election, under the provisions of this Section, the candidate receiving the highest number of votes shall be declared elected for three years; the candidate receiving the next highest number of votes shall be declared elected for two years and the candidate receiving the next highest number of votes shall be declared elected for one year. Thereafter one member shall be elected each year for the full term of three years. The members of the County Board of Education shall be chosen solely because of their character and fitness; but no person shall be appointed or elected to this Board under the provisions of this Section who is in any way subject to the authority of this Board. Vacancies in this Board for any cause

shall be filled by the State Board of Education, such appointees serving until the next school election succeeding such appointment or appointments, the vacancy or vacancies shall be filled for the remainder of the respective unexpired term or terms. Any member of the County Board of Education shall be eligible for re-election, unless otherwise disqualified by the provisions of this section.

2326-7. SECTION 61. The offices of the County Board of Education shall be at the County seat of the respective county. These officers shall be provided and furnished by the Levy Court of the respective counties, but the County Board of Education may provide its own office. The County Board of Education shall hold its annual meeting each year at its office on the first day of July. At this meeting the Board shall each year elect one of its members to serve as President and one to serve as Vice-President. Other regular meetings shall be held on the second Friday of September, December, and March, and such special meetings may be held and at such places as the duties of the business of the Board may require. The rules generally adopted by deliberative bodies for their government shall be observed by the County Boards of Education. No motion or resolution shall be declared adopted without the concurrence of a majority of the whole Board.

2326-8. SECTION 62. The members of the County Board of Education shall receive as compensation ten (10) dollars per day for each day's attendance at the meetings of said Board, provided that they shall not receive pay for more than one day's attendance in each calendar month, and shall also receive necessary traveling expenses incidental to attending the meetings and transacting the business of the board within the County.

2326-9. SECTION 63. The County Board of Education shall appoint, subject to the provisions of Section 89 of this Chapter, as its executive officer a County Superintendent of Schools, who shall also be the Secretary of the County Board of Education. As Secretary he shall conduct all correspondence of the Board, keep and preserve all of its records, receive all reports required by the Board, and see that such reports are in proper form, complete and accurate. He shall attend all meetings of the Board and of its committees, except when his own tenure, his salary, or the administration of his office are under discussion, and shall have the right to advise on any question under consideration but shall have no

vote. In case the office of the County Superintendent of Schools is temporarily vacant, or when the County Superintendent is absent by reason of the nature of business in hand, or otherwise, the Board shall appoint one of its members to act for the time being as Secretary.

2326-10. SECTION 64. The County Treasurer shall be the Treasurer of the County Board of Education. He shall receive and hold all moneys to which the County Board of Education is entitled by law and which may come into its possession, and shall deposit all such moneys in the financial institution which is the legal depository of State moneys in the custody of the State Treasurer. He shall pay out all such moneys on the written order of the President of the County Board of Education and of its Secretary, and shall keep such records and accounts of its funds as shall be required by the State Board of Education.

2326-11. SECTION 65. The County Board of Education is hereby vested with all the powers necessary or proper for the control and management of the free public schools under their jurisdiction, subject to the limitations and restrictions prescribed in this Act.

2326-12. SECTION 66. All the property, estate, effects, money, funds, claims, and State Donations heretofore vested by law in the public school authorities of any county, for the benefit of the free public schools of said county, are hereby placed under and subject to the control and management of the County Board of Education of such County. Real and personal estate granted, conveyed, devised, or bequeathed for the use of any county shall be held in trust by the County Board of Education for the benefit of the schools of such county, and such grants, bequests, and money invested in trust shall be exempt from all State, county and local taxes.

2326-13. SECTION 67. With the enactment of this Act and immediately after the expiration of the present school year, June 30th, 1919, all the governing and administrative school boards and committees of every school district in this State including all school districts created, united or consolidated by special Act prior to the approval of this Act which have accepted the provisions of this Act as hereinafter set forth in this Section (except the Boards of Education of such special school districts as are hereinafter provided for and designated) are abolished and the jurisdiction of the free public schools in such districts, shall pass to the County Board of Education, as authorized, constituted and em-

powered by this Chapter, and become integral parts of the county school system. As soon after June 30th, 1919, as the Auditor of Accounts shall have audited the records and accounts of the several District School Committees and Boards of Education hereby abolished, all school property held by such District School Committees and Boards of Education and all their assets shall be under the administration, management and control of the County Board of Education, subject to all legal liabilities. Real and personal estates granted, conveyed, devised, or bequeathed for the use of any particular school district shall be held in trust by the County Board of Education for the benefit of the schools of such district, and such grants and bequests or money invested in trust shall be exempt from State, County, and local taxes.

The Board of Education or School Committee of every District in this State which was created, united or consolidated by special Act prior to the approval of this Act is hereby authorized and empowered in the name of and for such District to accept the provisions of this Act by a resolution of a majority of the members of such Board or Committee adopted prior to the thirtieth day of June, 1919, and a written copy of such resolution certified by the Clerk or Secretary of the said Board or Committee filed with the Secretary of the State Board of Education together with a duplicate copy filed with the Trustee of the School Fund on or before the said thirtieth day of June, 1919, shall be deemed and taken to be conclusive evidence of the acceptance by the said District of the provisions of this Act; provided that the State Board of Education may, for good cause, shown, extend the time for the adoption of such resolution and for the filing of such copies in the discretion of the said State Board.

2326-14. SECTION 68. The County Board of Education is authorized, empowered, directed, and required to maintain a uniform, equal and effective system of free public schools throughout the county, and shall cause the provisions of this Chapter, the by-laws or rules and regulations and the policies of the State Board of Education to be carried into effect. The schools provided shall be of two kinds, those for white children and those for colored children. The schools for white children shall be free to all white children between the ages of six and twenty-one years, inclusive, and the schools for colored children shall be free to all colored children between the ages of six and twenty-one years, inclusive. The

schools for white children shall be numbered No. 1, No. 2, etc., and the schools for colored children shall be similarly numbered No. 1, No. 2, etc. The free public schools of the County shall include elementary schools, that is, grades 1 to 8, inclusive, and high schools, that is, grades 9 to 12, inclusive, provided, if it seem undesirable for any reason to maintain a standard four year high school in any school attendance district, the County Board of Education in lieu thereof shall pay, if need be, the tuition of the children of such school attendance district in the nearest standard four year high school by direct traveled highway. A County Board of Education may establish kindergartens and playgrounds, and it may establish on the recommendation of the County Superintendent of Schools and, subject to the approval of the State Commissioner of Education, such other types of schools as in its judgment will promote the educational interests of the County. The school year in all regular day elementary schools and all regular day high schools of the County outside of the special school districts shall be not less than one hundred and eighty (180) days, beginning on the first Tuesday after the first Monday in September.

2326-15. SECTION 69. The County Board of Education shall exercise, through its executive officer, the County Superintendent of Schools, and his professional assistants, control and supervision over the public school system of the County. The Board shall consult and advise, through its executive officer and his professional assistants, with the Boards of School Trustees, principals, teachers, and interested citizens, and shall seek in every way to promote the interests of the schools under its jurisdiction.

2326-16. SECTION 70. The County Board of Education shall determine, on the recommendation of the County Superintendent of Schools and subject to the provision of this Chapter and to the rules and regulations and the policies of the State Board of Education, the educational policies of the County and shall prescribe rules and regulations for the conduct and management of the schools.

2326-17. SECTION 71. The County Board of Education shall, on the recommendation of the County Superintendent of Schools, divide the county into appropriate and convenient school attendance districts, shall keep full and complete records of the boundaries thereof, and shall locate and maintain schools, as needed, in each school attendance district. Provided that when there is no public elementary school within two (2)

miles, by direct traveled highway, of the home of a child who has not completed the sixth grade of the elementary school, the County Board of Education shall arrange, through the County Superintendent of Schools, when possible without charge to the County, and may pay when necessary, for the transportation of such child to and from the nearest public school.

2326-18. SECTION 72. The County Board of Education is authorized, empowered, directed, and required to provide ample, appropriate, and suitable grounds, buildings, and equipment for all the needed schools of the County, conforming to the rules and regulations of the State Board of Education for the hygienic, sanitary, and protective construction of school buildings. The County Board of Education is authorized and empowered, on the recommendation of the County Superintendent of Schools and the approval of the State Commissioner of Education to purchase playgrounds, school grounds or school sites, and buildings, and to sell the same when no longer needed for educational purposes; to rent, repair, improve, and construct school buildings, or approve contracts for so doing, when the plans conform to the rules and regulations of the State Board of Education and are approved by the State Commissioner of Education. The County Board of Education shall employ an architect or architects, on the recommendation of the County Superintendent of Schools, to assist in the preparation of plans and specifications for remodeling old buildings and for constructing new buildings, but the architect or architects employed shall be approved by the State Board of Education.

The County Board of Education may receive donations of playgrounds, school grounds and school sites, or of houses already built suitably located and adapted to school purposes, but in no case shall any site be built upon, or any house occupied, until a good and sufficient title has been obtained for the same in the corporate name of the Board.

When lands shall be required for the site of a school house, or for enlarging a schoolhouse lot, or for playgrounds or other school purposes, and the County Board of Education shall for any cause be unable to contract with the owner or owners thereof upon what they deem to be a fair valuation thereof, the County Board of Education may institute condemnation proceedings; but no lot so taken or enlarged shall exceed, in the whole, ten (10) acres, including the land occupied by the school building.



Whenever it shall be necessary to institute condemnation proceedings, to acquire any land for school purposes, as provided in this section, the County Board of Education may apply to the Associate Judge of the State of Delaware, resident in the county where any such land is located, for the condemnation thereof, and the said Resident Judge shall thereupon appoint five judicious and impartial freeholders residing in the special districts of said county, or in one, or more of said special districts, to view the premises and assess the damages which the owner, or owners, will sustain by reason of the taking of the said lands for the purposes aforesaid. The freeholders shall be sworn or affirmed faithfully and impartially to perform the duties assigned them. They shall give ten days' notice, in writing, to the owner, or owners of the premises proposed to be condemned, if within the State, and to the said County Board of the time of their meeting to view the premises and assess damages. If the owner, or owners, reside outside of the State, or if under any legal disability, and have no legal representative in the State, publication of such notice shall be made in some newspaper in the county in which proceedings were instituted, at least ten days prior to the date fixed for said meeting, and such publication shall be sufficient notice thereof. The said freeholders shall ascertain and assess the damages to the owner or owners, taking into consideration all circumstances of convenience or injury, but shall allow, at least, the cash value of the land taken, and shall certify their award to the owner or owners, and, also, to the County Board, and shall return a record of their proceedings, with their finding and award to the Prothonotary of the County in which the proceedings are instituted. If the said freeholders should be guilty of misconduct in their proceedings, or if they should make a grossly improper award, the said Judge shall, on application, set aside their award and shall appoint other freeholders in their place, who shall proceed anew in the manner hereinbefore provided, and in like manner may set aside their finding or award, or the finding or award of freeholders subsequently appointed for the purposes aforesaid, until a fair and equitable award has been made or accepted. The said Judge may substitute other freeholders in the place of any freeholder who for any reason may be unable to serve. When the amount of damages has been ascertained, the said County Board of Education may pay, or tender the amount thereof, within two months, to the person or persons entitled thereto, or if, for any reason, payment can not be made to the

owner or owners, the amount of said damages may be deposited to the credit of the persons entitled thereto in the Farmers Bank of the State of Delaware, at the County seat of the County in which said proceedings are instituted, and thereupon the said lands may be taken and occupied for the use and purpose for which said lands were condemned. The said freeholders shall be allowed three dollars (\$3.00) per day for their services, which sum, together with other expenses of the condemnation proceedings, shall be paid by the County Board of Education of the respective county.

If for any reason the current income of a County Board of Education is inadequate to provide ample, appropriate and suitable grounds, buildings, and equipment for all the needed schools of the county, the County Board of Education is authorized, and empowered, on the recommendation of the County Superintendent of Schools, to issue bonds on the credit of the county, exclusive of the special school districts herein provided for and designated or hereafter to be created, in amounts sufficient to provide ample, appropriate, and suitable grounds, buildings, and equipment for all the needed schools of the county. Provided that the County Board of Education shall not be authorized to issue bonds for the purpose of this section in a greater amount in the aggregate than five per cent., (5%) of the assessed value of the real estate of the County outside of the special districts. Provided further that the funds derived from such bond issues shall be used only to provide or purchase new grounds, new buildings, and new permanent equipment. Such bonds shall not be issued or sold at less than their face value, and shall be issued in series, with no bond of any given series running more than twenty-five (25) years. The bonds provided for in this section shall be in such denomination or denominations, in such form, and shall bear such rate of interest, not exceeding six per cent. per annum, as shall be determined by the County Board of Education of the respective county. The said bonds shall be signed by the President and other members of the said County Board of Education. The County Board of Education is authorized to adopt a seal to be used in the execution of said bonds. The faith and credit of the school districts under the jurisdiction of the said County Board of Education shall be deemed to be pledged by every such bond. The said bonds shall be denominated as of the county in which they are issued, shall be of the series of the year in which they are issued, and the

principal and interest shall be made payable at the branch of the Farmers Bank in the county in which said bonds are issued, and the said bonds shall be exempted from all State, County or Municipal taxes. Provided further the County Board of Education shall in its current school budget hereinafter provided for, under the item, "Debt Service," make provisions for the payment of the current interest on each and every series of bonds issued, and also for the payment or liquidation, each year of not less than one-twenty-fifth (1-25) of each and every series of bonds issued.

2326-19. SECTION 73. Schools on or near the division line of two counties shall be free to the children of each county; and the County Boards of Education of the respective counties shall have power to provide jointly for the maintenance of said schools.

2326-20. SECTION 74. The County Board of Education shall prescribe, on the recommendation of the County Superintendent of Schools and subject to the provisions of this Chapter and the policies and rules and regulations of the State Board of Education, the conditions on which pupils in elementary schools, limited to the first six grades of elementary instruction, shall be admitted to elementary schools giving the two higher grades of elementary instruction. Where the distance from the homes of the respective children concerned to such complete elementary schools is in excess of three (3) miles by direct traveled highway, the County Board of Education shall arrange, through the County Superintendent, when possible without charge to the County, and may pay when necessary, for the transportation of such children to and from such elementary schools.

2326-21. SECTION 75. The County Board of Education shall prescribe, on the recommendation of the County Superintendent of Schools, and subject to the provisions of this Chapter and the policies and rules and regulations of the State Board of Education, the conditions on which children may be admitted to the high schools of the county and also the conditions on which children may be admitted to the high schools of special school districts and have their tuition in such high schools paid by the County Board of Education. When such high schools, whether under the jurisdiction of the County Board of Education or in special school districts are in excess of three (3) miles by direct traveled highway from the home of the respective children concerned, the County Board of Education shall arrange, through the County Superintendent of

Schools, when possible without charge to the county, and may pay when necessary, for the transportation of such children to and from such high schools.

2326-22. SECTION 76. The County Board of Education shall, on the recommendation of the County Superintendent of Schools and when, in the Board's judgment, it is practicable, consolidate schools. When the distance from the homes of the respective children concerned to such consolidated school is in excess of two (2) miles by direct traveled highway, the County Board of Education shall arrange, through the County Superintendent of Schools, when possible without charge to the county, and may pay when necessary, for the transportation of such children to and from such consolidated schools. Provided that the County Board of Education shall not be responsible for the transportation of children to and from such consolidated schools who have completed the sixth grade of the elementary school, unless the consolidated school is in excess of three (3) miles by direct traveled highway from the homes of the respective children concerned.

2326-23. SECTION 77. The County Board of Education shall not maintain any single one room school, without the written approval of the State Commissioner of Education, which during the three (3) preceding school years has had an average daily attendance of less than twelve (12) pupils. But when such a school is closed, the County Board of Education shall arrange, through the County Superintendent of Schools, when possible without charge to the county, and shall pay when necessary, for the transportation of the children concerned to and from the nearest school maintained by the Board. Provided that the County Board of Education shall not be responsible for the transportation of such children unless the distance from the homes of the respective children concerned to the nearest school maintained by the Board, is by direct traveled highway, in excess of two (2) miles, and shall not be responsible for the transportation of such children in grades above the sixth, unless the distance is in excess of three (3) miles.

2326-24. SECTION 78. The County Board of Education, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall, on the written recommendation of the County Superintendent of Schools, grade and standardize all the schools under its jurisdiction.

## NEW SCHOOL CODE

2326-25. SECTION 79. The County Board of Education, subject to the provisions of this Chapter, the rules and regulations, prescribed courses of study, and the policies of the State Board of Education, shall prescribe on the written recommendation of the County Superintendent of Schools, courses of study for the schools under its jurisdiction, and a printed copy of these courses of study shall be supplied to every teacher and to every interested citizen of the County.

2326-26. SECTION 80. The County Board of Education shall, on the written recommendation of the County Superintendent of Schools appoint all principals, teachers, and all other regular employees, and fix their salaries, subject to the provisions of Article 9 of this Chapter. The County Board of Education may suspend or dismiss any principal or teacher or other regular employees so appointed, on the written recommendation of the County Superintendent of Schools, for immorality, misconduct in office, incompetency, or wilful neglect of duty. Provided that in case of a principal or teacher or supervisor or attendance officer the charges be stated in writing, and that the principal or teacher or supervisor or attendance officer be given an opportunity to be heard by the Board upon not less than ten days' notice; provided further that in all cases when the Board is not unanimous in its decisions to suspend or dismiss, the right of appeal shall lie to the State Board of Education. The contract of every principal, teacher, supervisor, attendance officer, and other regular employees shall be for the school year, beginning July 1st and ending June 30th, except when they are employed after the beginning of the school year, when contracts shall be for the remainder of the school year.

2326-27. SECTION 81. The County Board of Education shall select and adopt, on the written recommendation of the County Superintendent of Schools, from the textbook list prescribed by the State Board of Education, purchase and distribute free of charge to all day elementary, and all day high school pupils, such textbooks as are necessary to carry out the adopted courses of study, provided that textbooks so selected and adopted shall not be changed more often than once in three (3) years. The County Board of Education shall also select and purchase, on the written recommendation of the County Superintendent of Schools, such supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment,

apparatus, and supplies as are necessary to the work of the schools, and no charge shall be made either day elementary or day high school pupils for the use of such supplies or equipment.

2326-28. SECTION 82. The County Board of Education, subject to the provisions of this Chapter and the rules and regulations of the State Board of Education, shall prescribe, on the recommendation of the County Superintendent of Schools, forms and blanks on which Boards of Trustees, supervisors, attendance officers, principals, teachers, janitors, and other regular employees shall make such reports as may be required from them, on the recommendation of the County Superintendent, by the County Board of Education.

2326-29. SECTION 83. The County Board of Education is authorized, empowered, directed, and required to provide ample funds for the maintenance and operation of uniform, equal, and efficient schools throughout the county. Each year, beginning with 1920, prior to the usual date on which the Levy Courts of the respective counties levy other county taxes, the County Board of Education shall prepare, subject to the rules and regulations of the State Board of Education and on the recommendation of the County Superintendent of Schools, an itemized and detailed annual school budget. This annual school budget shall show the amount needed during the succeeding school year for (1) debt service, as provided for in Section 72 of this Chapter; (2) permanent improvements and repairs; and (3) current maintenance and operation, including the transportation of school children. The annual school budget shall also show the estimated amount that will be received from the State for (1) aiding elementary school, which amount shall be used for paying elementary teachers' salaries and the purchasing free text-books, materials of instruction and school supplies; (2) aiding high schools, which amount shall be used for paying high school teachers' salaries and purchasing free text-books, materials of instruction, and school supplies; (3) the estimated amount of high school aid that will be received by reason of the provisions of the Smith-Hughes Vocational Education Act; (4) the estimated amount that will be received in payment of the salary of the County Superintendent of Schools, supervisors, and attendance officers; (5) the estimated income of the Board other than from county taxation; and (6) the estimated amount that will need to be raised by county taxation. Taxes for county school purposes shall be of two

kinds: (1) a capitation tax, the amount of which shall be fixed annually by the County Board of Education and stated in its annual school budget, but which shall not be less than three dollars (\$3) nor more than six dollars (\$6) annually, and shall be levied on the person of all male residents of the school districts of the county under the jurisdiction of the County Board of Education, twenty-one years of age or over; (2) a property tax to be levied on the assessed value, as determined and fixed for other county taxation purposes, of the personal and real property in and of the school districts under the jurisdiction of the County Board of Education, provided for or that may hereafter be created, provided that said tax so levied shall not exceed one and one-half per cent. of the assessed value of the property in the county other than in the special districts subject to taxation as aforesaid. This annual school budget shall be submitted, in writing, not less than ten (10) days before the usual date for levying other county taxes, to the Levy Court of the respective county; at the same time a written copy of this annual school budget shall be submitted to the State Commissioner of Education. The Levy Court of the respective county is authorized, empowered, directed, and required to levy and to collect, at the time of collection and through the collector or collectors of other county taxes, the capitation tax as fixed and specified in the annual school budget of the County Board of Education, and to levy and collect such tax, at the time of collection and through the collector or collectors of the other county taxes, on the assessed value, as determined and fixed for other county taxation purposes, of all personal and real property of the county subject to the county school tax aforesaid, as shall produce the remainder and the total amounts required by the County Board of Education to be raised by county taxation. All the powers and remedies, now or hereafter vested by law in the collector or collectors of taxes for County purposes, is hereby vested in the said collector or collectors in the collection of the County school tax, levied under the provisions of this Section. The County school tax so levied and collected, after deducting the fees for the collection if any, shall be turned over by the collector or collectors immediately on collection to the Treasurer of the County Board of Education. On the tax bills presented to the taxpayers of the county, the county school tax shall appear as a separate item, entitled "County School Tax," and shall show as sub items and separately the amount of capitation tax and the

amount of personal and real property tax. Provided that for the school year 1919-20, the County Board of Education shall prepare the annual school budget for the school year 1919-20 and present it as soon as possible after July 1, 1919, to the Levy Court of the respective County, and that the amount required to be raised by county taxation shall be levied and collected, as provided for, beginning with 1920, in this Section, by the Levy Court at the time local school taxes are now levied and collected under the existing laws. All taxes received by the County Board of Education shall be expended by them in accordance with the items of its annual school budget.

2326-30. SECTION 84. If for any reason the current funds on hand are not sufficient to meet the current expenses of the Board, the County Board of Education, on the recommendation of the County Superintendent of Schools, may borrow money on the credit of the county to meet such current expenses, provided that all such current loans shall be paid within the school year in which such current loans are made and shall be paid from the funds derived from the taxes levied and collected for the current support of the schools within the given school year, and provided, further that the amount so borrowed shall at no time exceed ten per cent. (10%) of the sum estimated for current expenses as shown by the school budget for that year.

2326-31. SECTION 85. The Auditor of Accounts shall each year as soon as possible after July 1st audit the business and financial transactions of the County Board of Education and the records and accounts of its Treasurer, and the County Board of Education shall publish the results of this audit.

2326-32. SECTION 86. The County Board of Education shall make all the reports required by the State Board of Education at such times, upon such items, and in such form and on such blanks as may be prescribed by the State Board of Education.

2326-33. SECTION 87. The County Board of Education shall cause to be prepared and published annually, in the month of November, in sufficient quantities for distribution among the citizens of the county, an annual report addressed to the people of the county, covering the condition, current accomplishments, and needs for the improvement of the schools, also a statement of the business and financial transactions of the Board.



2326-34. SECTION 88. The County Board of Education shall perform such other duties as are assigned to it elsewhere in this Chapter or may be assigned to it from time to time by the General Assembly.

#### ARTICLE 4

##### *County Superintendents of Schools*

2326-35. SECTION 89. The County Board of Education of each county shall appoint a County Superintendent of Schools for a term of two years, and he shall hold office until his successor qualifies. No person shall be eligible for appointment to the office of County Superintendent of Schools who does not hold from the State Commissioner of Education a certificate in administration and supervision, as provided for in Article 8 of this Chapter, nor shall the appointment of any person by the County Board of Education to the position of County Superintendent of Schools be valid without the written approval of the State Board of Education. Provided that County Superintendents of Schools holding office at the time when this Act shall take effect shall continue to serve to the end of the term for which they were last appointed, and until their successors qualify, unless removed, as hereinafter provided, and shall also be eligible for reappointment; and provided further that all County Superintendents of Schools shall be paid, beginning with the school year 1919-20, on the basis of the salaries hereinafter specified. The salary of a County Superintendent of Schools shall not be diminished during his term of office. The County Superintendent of Schools shall devote his entire time to public school business and shall receive such compensation as the County Board of Education shall direct, provided that no County Superintendent of Schools appointed to office under the provisions of this Section, or continuing in office under the provisions of this Section, shall be paid an annual salary of less than twenty-seven hundred dollars (\$2700) and the State of Delaware shall, as hereinafter provided pay the annual salary of the County Superintendent of Schools, up to and including an annual salary of twenty-seven hundred dollars (\$2700). County Boards of Education may, in their discretion, pay to a County Superintendent an annual salary in excess of twenty-seven hundred dollars (\$2700), but the State shall not share in the payment of such excess. The State Board of Education may remove any County Superintendent

of Schools appointed under the provisions of this Section, or continuing in office under the provisions of this Section, for immorality, misconduct in office, for incompetency, or wilful neglect of duty, upon making known to him in writing the charges against him, and upon giving to him an opportunity of being heard, in person or by counsel, in his own defense, upon not less than ten days' notice. In case of vacancy due to any cause, the County Board of Education shall fill the vacancy and the appointment shall be for a full term of four years, and until a successor shall qualify.

2326-36. SECTION 90. The County Superintendent of Schools as the executive officer of the County Board of Education, shall see that the laws relating to the schools, the enacted and published rules and regulations and the policies of the State Board of Education, and the rules and regulations and the policies of the County Board of Education are carried into effect.

2326-37. SECTION 91. The County Superintendent of Schools shall explain the true intent and meaning of the school laws, and of the rules and regulations of the State Board of Education, subject to the approval in writing of the State Board of Education; he shall decide, without expense to the parties concerned, all controversies and disputes involving the rules and regulations of the County Board of Education and the proper administration of the public school system of the county, and his decision shall be final, except that an appeal may be had to the State Board of Education if taken in writing within thirty (30) days. The County Superintendent of Schools shall have authority to administer oaths and to examine under oath, in any part of the county, witnesses in any matter pertaining to the public schools of the county, and to cause the examination to be reduced to writing. Any person who, having been sworn or affirmed by him to tell the truth, and who wilfully gives false testimony, shall be guilty of false swearing and shall be punished as perjury is punished.

2326-38. SECTION 92. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall recommend for approval and adoption by the County Board of Education, the kind, grade, and location of schools to be established and maintained and the school attendance districts to be established.

2326-39. SECTION 93. The County Superintendent of Schools, subject to the provisions of this Chapter and the policies and rules and regulations of the State Board of Education, shall recommend for approval and adoption by the County Board of Education educational policies adapted to promote the educational interests of the county, and rules and regulations for the conduct of the schools.

2326-40. SECTION 94. The County Superintendent of Schools, as the executive officer of the County Board of Education, shall call and conduct conferences with Boards of School Trustees, supervisors, attendance officers, principals, and teachers, and shall in every way seek to foster in teachers professional insight and efficiency and develop public interest in education.

2326-41. SECTION 95. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall develop a building program adequate to meet the needs of the schools of the county, and shall submit the same for approval and adoption by the County Board of Education. The County Superintendent of Schools shall recommend to the County Board of Education for condemnation school buildings which are insanitary and unfit for use; he shall recommend in writing all repairs, the purchase of playgrounds, school grounds or school sites, and buildings, or the sale of same, and shall prepare or cause to be prepared all plans and specifications for the remodeling of old buildings, and the construction of new buildings, subject to the provisions of Section 36 of this Chapter; and he shall recommend, in his discretion, to the County Board of Education, an architect or architects to assist in the preparation of the plans and specifications for remodeling old buildings or the construction of new buildings, and shall supervise such remodeling and construction. He shall approve in writing all contracts of whatever kind entered into by the County Board of Education, and no contract entered into by the County Board of Education shall be valid without the written approval of the County Superintendent of Schools.

2326-42. SECTION 96. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare and submit for approval and adoption by the County Board of Education rules and regulations governing the conditions on which pupils in schools limited

to the first six grades of elementary instruction shall be admitted to elementary schools giving the two higher grades of elementary instruction.

2326-43. SECTION 97. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare and submit for approval and adoption by the County Board of Education rules and regulations governing the conditions on which children may be admitted to the high schools of the county, also into the high schools of special school districts and have their tuition in such high schools paid by the County Board of Education.

2326-44. SECTION 98. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall work out plans for the consolidation of schools and for the grounds, buildings, and equipment of such consolidated schools, and submit the same for approval and adoption by the County Board of Education.

2326-45. SECTION 99. The County Superintendent of Schools, subject to the provisions of this Chapter the policies and rules and regulations of the State Board of Education, shall report annually and recommend to be closed by the County Board of Education all single one room schools which during three (3) preceding years have not had an average daily attendance of twelve (12) pupils.

2326-46. SECTION 100. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare rules and regulations for grading and standardizing all the public schools of the county, and shall submit the same in writing for approval and adoption by the County Board of Education. He shall grade and standardize all the public schools of the county and shall recommend the same for approval by the County Board of Education.

2326-47. SECTION 101. The County Superintendent of Schools, subject to the provisions of this Chapter, the prescribed course of study, and the policies and rules and regulations of the State Board of Education and of the County Board of Education, shall prescribe courses of study for the schools of the county and submit the same for approval and adoption by the County Board of Education. Printed copies of these

courses of study shall be supplied to every teacher and every interested citizen in the county.

2326-48. SECTION 102. The County Superintendent of Schools shall be the representative of the State Commissioner of Education in all State examinations for teachers' certificates conducted within the county other than in special school districts, and shall perform such duties in connection therewith as may be required by the State Commissioner of Education. He may issue, without charge, provisional certificates to teachers, valid in the county schools, subject to the provisions of Article 8 of this Chapter.

2326-49. SECTION 103. The County Superintendent of Schools shall nominate, in writing, for appointment by the County Board of Education and fix their salaries, subject to the provisions of Article 9 of this Chapter, and the salary provisions of Section 112 of Article 4, and to the approval of the Board, all principals, all teachers and all other regular employees of the Board, shall assign to them their positions, transfer them as the needs of the schools require, recommend them for promotion, suspend them for cause, and recommend them for dismissal.

2326-50. SECTION 104. The County Superintendent of Schools shall organize and attend county and local institutes for teachers and citizens, shall organize and direct the reading circle work of the county, advise teachers as to their further study and professional reading, and assist parents and citizens to acquire a knowledge of the aims and work of the schools.

2326-51. SECTION 105. The County Superintendent of Schools shall select from the textbook list prescribed by the State Board of Education such textbooks as are needed by the schools, also select such supplementary readers, maps, globes, and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus, and supplies as are necessary to the work of the schools, and recommend, in writing, the adoption, purchase, and distribution of the same by the County Board of Education. No contract for textbooks, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus, and supplies shall be valid without the written approval of the County Superintendent of Schools.

2326-52. SECTION 106. The County Superintendent of Schools shall

visit the schools, observe the management and instruction and give suggestions for the improvement of the same. He shall advise with principals and teachers, counsel Boards of Trustees, and shall labor in every way to awaken public interest and to improve educational conditions within the county.

2326-53. SECTION 107. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare forms and blanks on which Boards of Trustees, supervisors, attendance officers, principals, teachers, janitors, and other regular employees shall make such reports as shall be required by the County Board of Education, and shall submit the same for approval and adoption by the County Board of Education.

2326-54. SECTION 108. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies, rules and regulations of the State Board of Education, shall prepare the annual school budget provided for in Section 83 of this Chapter, and shall submit the same for approval and adoption by the County Board of Education. He shall in every way seek to secure adequate funds for the support and development of the schools of the county.

2326-55. SECTION 109. The County Superintendent of Schools shall direct the taking in the county of the biennial school census provided for in Section 20 of this Chapter.

2326-56. SECTION 110. The County Superintendent of Schools shall, subject to the rules and regulations of the State Board of Education, enforce the provisions of Article 10 of this Chapter, relating to school attendance.

2326-57. SECTION 111. The County Superintendent of Schools shall prepare, or cause to be prepared, and submit to the County Board of Education for adoption, all reports required of the County Board by the State Board of Education and the State Commissioner of Education, and he shall prepare, or cause to be prepared, and submit for approval to the County Board of Education, the annual report addressed to the people of the County, provided for in Section 87 of this Chapter.

2326-58. SECTION 112. The County Superintendent of Schools, acting under the rules and regulations of the County Board of Education, shall be responsible for the administration of the office of the County

**Superintendent of Schools.** He shall nominate, for appointment by the County Board of Education, and fix the salaries subject to the approval of the Board, all the professional, clerical, statistical and stenographic assistants of the office; he shall recommend their removal for immorality, misconduct in office, incompetency, or wilful neglect of duty, and he shall see that all regular appointees of the County Board of Education devote their entire time to their duties. The office of the County Superintendent of Schools shall, beginning with the school year 1919-20, be provided at least as follows with professional, clerical, statistical and stenographic assistants:

(1) In each county there shall at least be appointed elementary school supervisors as follows: In Kent County two (2); in New Castle County two (2), and in Sussex County three (3). Elementary school supervisors shall receive such compensation as the County Board of Education shall direct, provided that no person shall be eligible for appointment as elementary school supervisor who does not hold from the State Commissioner of Education a certificate in elementary school supervision, as provided for in Article 8 of this Chapter; nor shall the appointment of any person as elementary school supervisor by the County Board of Education be valid without the written approval of the State Commissioner of Education. And provided further that no elementary school supervisor appointed under the provisions of this Section shall be paid an annual salary of less than sixteen hundred dollars (\$1600), and the State of Delaware shall, as hereinafter provided, pay the annual salary of two (2) elementary school supervisors in Kent County, of two (2) in New Castle County, and of three (3) in Sussex County, up to and including an annual salary for each of sixteen hundred dollars (\$1600). County Boards of Education may employ, on the recommendation of the County Superintendent of Schools, a greater number of elementary school supervisors than above designated and pay each an annual salary in excess of sixteen hundred dollars (\$1600), but the State shall not share in the payment of the salary of such additional elementary school supervisors or in the payment of said excess in annual salary.

(2) There shall be appointed in each county at least one attendance officer, whose duty it shall be to enforce regular school attendance. Attendance officers shall receive such compensation as the County Board of Education shall direct, provided that the appointment of no person

as an attendance officer shall be valid without the written approval of the State Commissioner of Education. And provided further that no attendance officer appointed under the provision of this Section shall be paid an annual salary of less than ten hundred dollars (\$1,000) and the State of Delaware shall pay, as hereinafter provided, the annual salary of one attendance officer up to and including an annual salary of ten hundred dollars (\$1,000). County Boards of Education may employ on the recommendation of the County Superintendent of Schools as many additional attendance officers as in their judgment are necessary, and may pay annual salaries to attendance officers in excess of ten hundred dollars (\$1,000), but the State shall not share in the payment of their salaries or in the payment of said excess annual salary.

(3) There shall be employed in each county at least one statistical and stenographic clerk.

(4) And such other clerical, statistical and stenographic assistants, and such other professional assistants (assistant superintendents, supervisors, attendance officers, medical inspectors, and school nurses) as the County Board of Education shall authorize on the recommendation of the County Superintendent of Schools; provided that no professional assistant shall be appointed who does not hold the appropriate certificate issued by the State Board of Education, and the appointment of no professional assistant shall be valid without the written approval of the State Board of Education.

2326-59. SECTION 113. The County Board of Education shall provide the County Superintendent of Schools and his professional and clerical assistants, with ample, convenient, and comfortable office quarters, and with adequate clerical supplies and equipment, and the County Superintendent of Schools and his professional assistants shall be provided with such means of transportation as are necessary for the convenient, effective, and efficient performance of their official duties. They shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred or made by them in the performance of their official duties, and no part of the traveling expenses of the County Superintendent of Schools or his professional assistants incurred in the performance of their official duties, shall be included in, or counted as a part of their annual salary.

2326-60. SECTION 114. The County Superintendent of Schools shall



perform such other duties as are assigned to him elsewhere in this Chapter or may be assigned to him from time to time by the County Board of Education and the General Assembly.

#### ARTICLE 5

##### *Boards of Education*

2326-61. SECTION 115. The general administration and supervision of the free public schools and educational interest of each special school district shall be vested in a Board of Education. Such Board of Education shall be composed of three members. They shall be elected from the residents of the given special school district by the male residents qualified as hereinafter provided, and by women who have paid a tax at any time during the preceding twelve months on real or personal property, at a special election for terms of three years beginning with the first day of July next succeeding their election, and shall hold office until their respective successors qualify. Residents of the county, outside of the special school districts, shall not vote for members of the Boards of Education in special school districts. The school election in each special school district shall be held on the third Saturday of June in each year, between the hours of two and four o'clock in the afternoon at the principal schoolhouse in the respective school districts, and shall be conducted by members of the Board of Education at each special school district. The President of the Board of Education shall preside at the election, and the other two members of the Board shall be the Judges of the election; provided that if, for any reason, one or more of the members of the Board of Education should be unable to serve as election officers, the said Board of Education shall designate another person, or persons, to act in such capacity; and provided, further, that should the Board of Education of any special school district fail or neglect to provide election officers at any such election, the voters present shall designate and appoint election officers to conduct the election in such special school district. The school election in special school districts shall be by ballot, upon which shall be written or printed the names of the candidates for whom the voter desires to vote. Any male resident of the said special school district, who would be entitled, at the time of the holding of the said school election, to register and vote in any election district, of which

said special district is a part, at a general election, if such general election were to be held at the time of such school election, shall be deemed to be a qualified voter at the school election in the special school district where he then resides. Women residents of the special school district shall be entitled to vote at a school election therein, upon presentation of a tax receipt for taxes assessed against them, within the preceding twelve months. If any person, not duly qualified to vote, shall offer to vote at a special district school election, he shall be guilty of a misdemeanor, and shall be punishable by a fine, or imprisonment, or both, in the discretion of the Court. The election officers, conducting the election in a special district school election, shall publicly count the votes cast at any such election and shall certify the results of such election under their hands and seals to the State Board of Education. When this act goes into effect the terms of office of the persons who are at that time members of the Board of Education of the towns and cities hereinafter created and designated as special school districts shall automatically expire; but such members shall be qualified for appointment and election under the provisions of this Section, unless otherwise disqualified by the provisions of this Section. When this Act goes into effect, the Governor shall as soon as possible thereafter appoint from the members of the Boards of Education of the respective special school districts at the time this Act goes into effect, three members to the Board of Education of the respective special school districts who shall take office immediately and serve under the provisions of this chapter until the first day of July 1920 and until their respective successors qualify. At the school election of 1920, three members shall be elected to the Board of Education of each special school district; one to serve for one year, or until the first day of July 1921; one to serve for two years, or until the first day of July 1922, and one to serve for three years, or until the first day of July 1923, and until their respective successors qualify. Provided that in the first election, under the provisions of this section, the candidate receiving the highest number of votes in each special school district shall be declared elected for three years; the candidate receiving the next highest number of votes shall be declared elected for two years, and the candidate receiving the next highest number of votes shall be declared elected for one year. Thereafter, one member shall be elected each year for the full term of three years. The members of the Board of Education of special school

districts shall be chosen solely because of their character and fitness; but no person shall be appointed or elected to this Board under the provisions of this Section who is in any way subject to the authority of this Board. Vacancies in this Board for any cause shall be filled by the State Board of Education, such appointees serving until the next school election and until their respective successors qualify. At the next school election succeeding such appointment or appointments, the vacancy or vacancies shall be filled for the remainder of the respective unexpired term or terms. Any member of a Board of Education of a special school district shall be eligible for reelection, unless otherwise disqualified by the provisions of this Section. Whenever a new special school district shall be created and erected under the provisions of Section 18 hereof, the State Board of Education shall at once appoint three suitable persons, possessing the necessary qualifications, for members of a Board of Education, to be members of the Board of Education of such special school district who shall take office immediately and serve under the provisions of this Chapter until the first day of July following the next school election thereafter, and until their respective successors qualify. At the next school election after such appointment, there shall be elected to the Board of Education of such special school district three members; one to serve for one year, one to serve for two years and one to serve for three years from the first day of July following such election, and until their respective successors qualify. Provided, that at such election the candidate receiving the highest number of votes shall be declared elected for three years, the candidate receiving the next highest number of votes shall be declared elected for two years, and the candidate receiving the next highest number of votes shall be declared elected for one year. Thereafter one member shall be elected at each school election for the full term of three years.

2326-62. SECTION 116. The office of the Board of Education shall be in the principal school building of the respective special school district unless otherwise adequately provided for. The Board of Education shall hold its annual meeting each year at its office on the first day of July. At this meeting the Board shall each year elect one of its members to serve as President and one to serve as Vice-President. Other regular meetings shall be held on the second Friday of September, December and March, and such special meetings may be held as the duties and the

business of the Board may require. The members of the Board of Education shall receive no compensation for their services. The rules generally adopted by deliberative bodies for their government shall be observed by Boards of Education. No motion or resolution shall be declared adopted without the concurrence of a majority of the whole Board.

2326-63. SECTION 117. The Board of Education of each special school district shall appoint, subject to the provisions of Section 137 of this Chapter, as its executive officer, a Superintendent of Schools, who shall also be Secretary of the given Board of Education. As Secretary he shall conduct all correspondence of the Board, keep and preserve all of its records, receive all reports required by the Board, and see that such reports are in proper form, complete and accurate. He shall attend all meetings of the Board and of its committees except when his own tenure, his salary, or the administration of his office are under discussion, and shall have the right to advise on any question under consideration, but shall have no vote. In case the office of Superintendent of Schools is temporarily vacant, or when the Superintendent of Schools is absent by reason of the nature of the business in hand or otherwise, the Board shall appoint one of its members to act for the time being as Secretary.

2326-64. SECTION 118. The County Treasurer shall be the Treasurer of each respective special school district. He shall receive and hold all moneys which the respective Board of Education is entitled to by law and which may come into its possession, and shall deposit all such moneys in the financial institution which is the legal depository of State moneys in the custody of the State Treasurer.

He shall pay out all such moneys on the written order of the President of the respective Board of Education and of its Secretary, and shall keep such records and accounts of its funds as shall be required by the State Board of Education.

2326-65. SECTION 119. The Board of Education of each special school district is hereby vested with all the powers necessary or proper for the administration and management of the free public schools within such special school district, subject to the limitations and restrictions provided in this Act.

2326-66. SECTION 120. All property, estate, effects, money, funds, claims and state donations heretofore vested by law in the public school authorities of any special school district, for the benefit of the free

public schools of such district, are hereby placed under and subject to the control and management of the Board of Education of such special school district. Real and personal estate granted, conveyed, devised, or bequeathed for the use of any special school district, shall be held in trust by the Board of Education for the benefit of the free public schools of the respective special school district, and such grants, bequests and moneys invested in trust shall be exempt from all State, county and local taxes.

2326-67. SECTION 121. The following cities, towns, and school districts which shall accept the provisions of this Act as hereinafter in this Section provided, are hereby created and designated special school districts, subject to the provisions of this Article and Chapter: In New Castle County: Wilmington, comprising the present school districts, which may operate its schools according to the provisions of special school laws, except in so far as these special school laws are in conflict with the provisions of Articles 1 and 2; of Sections 121, 122, 123, 124, 126, 127, 128, 129, 130, 133, 134, and 135 of Article 5; of Sections 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 153, 154, 155, 156, and 156-A of Article 6; and of Articles 8, 9, 10, 11, 12, and 14 of this Chapter, all of which shall apply to Wilmington, School Districts 23 and 75 (Alexis I. duPont School), Newark, comprising the present school districts, and New Castle, comprising the present school districts; in Kent County: consolidated District No. 1 (the Caesar Rodney School), Dover, comprising the present school districts, Harrington, comprising the present school districts, Milford, comprising the present school districts, and Smyrna, comprising the present school district; in Sussex County: Georgetown, comprising the present school districts, Laurel, comprising the present school districts, Lewes, comprising the present school districts, and Seaford, comprising the present school districts. The Board of Education of each of the school districts, in this section above specified, is hereby authorized and empowered in the name of and for such district to accept the provisions of this Act by a resolution of a majority of the members of such Board adopted prior to the thirtieth day of June 1919, and (a) written copy of such resolution certified by the Secretary of such Board, filed with the Secretary of the State Board of Education, together with a duplicate copy filed with the trustee of the school fund, on or before the said thirtieth day of June 1919,

shall be deemed and taken to be conclusive evidence of the acceptance by the said district of the provisions of this Act; provided that the State Board of Education may, for good cause shown, extend the time for the adoption of such resolution and for the filing of such copies, in the discretion of the said State Board.

The said State Board of Education shall have the power to create other special school districts, subject to the provisions of this Article and Chapter.

2326-68. SECTION 122. The special school districts herein created and designated, and special school districts hereafter created by the State Board of Education to continue to exercise the privilege of a special school district and of operating its schools according to the provisions of this Article, shall meet and continue to fulfill the following conditions:

(1) Ample grounds, buildings and equipment shall be provided conforming to the rules and regulations of the State Board of Education.

(2) An elementary school including grades one to eight inclusive, shall be maintained, also a standard, first class high school, as defined in Article 12 of this Chapter and the rules and regulations of the State Board of Education. The Board of Education may establish kindergartens and playgrounds, and it may establish, on the recommendation of the Superintendent of Schools and subject to the approval of the State Commissioner of Education, such other types of schools as in its judgment will promote the educational interest of the district. The school year in all regular day elementary schools and all regular day high schools shall be ten calendar months and all such schools shall be in session during each school year not less than one hundred and eighty days, beginning on the first Tuesday after the first Monday in September. Into the high school or high schools of each special school district shall be admitted children from the county school systems, on the conditions and at the tuition rates prescribed by the State Board of Education.

(3) Free textbooks, school supplies, and instructional materials shall be provided all pupils attending the kindergarten, day elementary schools, and day high schools, free textbooks, school supplies, and instructional materials may be provided pupils in such other schools as are established and maintained.

(4) Each special school district shall employ a Superintendent of

Schools who shall hold the certificate prescribed for Superintendent of Schools in Article 8 of this Chapter. The Superintendent of Schools shall not be paid an annual salary less than the minimum annual salary for Superintendents of Schools prescribed in Article 9 of this Chapter, but any Board of Education may pay a Superintendent of Schools more than the minimum salary prescribed in Article 9 of this Chapter. The Superintendent of Schools shall have at least one-half of his entire time free for supervision.

(5) The Boards of Education may employ a high school principal or principals, elementary school principal, or principals, elementary school supervisors, high school supervisors, and attendance officers, subject to the conditions of Article 8 and Article 9 of the salary provisions of Section 112 of Article 4 of this Chapter. Provided that if the Board of Education of a special school district does not employ an attendance officer or officers, the enforcement of school attendance in the respective special school district shall fall to the County Superintendent of Schools of the County in which the respective special school district is located, and the Superintendent of Schools of the respective special school district shall make to the County Superintendent of Schools such reports on the school population, school enrollment, and school attendance of the respective special school district as may be required by the State Board of Education. Provided that Wilmington shall employ sufficient attendance officers to enforce school attendance. Boards of Education of special school districts may also employ medical inspectors and school nurses subject to the provisions of Article 8 of this Chapter.

(6) In the regular day high schools of the special school districts, no teacher shall hereafter be employed unless such teacher holds a high school teacher's certificate as provided for in Article 8 of this Chapter, and such high school teachers shall not be paid less than the minimum annual salaries prescribed for teachers holding high school teachers' certificates in Article 9 of this Chapter, but any Board of Education on recommendation of the Superintendent of Schools may pay such high school teachers more than the minimum annual salaries prescribed for teachers holding high school teachers' certificates in Article 9 of this Chapter.

(7) In regular day elementary schools of special school districts, no teacher shall hereafter be employed unless such teacher holds a first grade

elementary school teacher's certificate as prescribed in Article 8 of this Chapter, and such elementary teachers shall not be paid less than the minimum annual salaries prescribed for teachers holding first grade elementary school teachers' certificates in Article 9 of this Chapter, but any Board of Education on recommendation of the Superintendent of Schools may pay such elementary school teachers more than the minimum salaries prescribed for teachers holding first grade elementary school teachers' certificates in Article 9 of this Chapter.

(8) Boards of Education of special school districts may on the recommendation of their respective Superintendents of Schools employ such other professional assistance and such clerical, accounting, and statistical assistance as in their judgment is necessary to the work of the schools under their respective jurisdiction.

(9) Special school districts shall meet and shall continue to fulfill such other conditions as may hereafter be prescribed by the State Board of Education.

2326-69. SECTION 123. The Board of Education shall exercise through its executive officer, the Superintendent of Schools, and his professional assistants, control and supervision over the public schools of the district. The Board shall consult and advise, through its executive officer and his professional assistants, principals, teachers, and interested citizens, and shall seek in every way to promote the interests of the schools under its jurisdiction.

2326-70. SECTION 124. The Board of Education shall determine, on the recommendation of the Superintendent of Schools and subject to the provisions of this Chapter, the rules and regulations, and the policies of the State Board of Education, the educational policies of the district and shall prescribe rules and regulations for the conduct and the management of the schools, and shall maintain separate schools for white and for colored children.

2326-71. SECTION 125. The Board of Education is authorized, empowered, directed, and required to provide ample, appropriate, and suitable grounds, buildings, and equipment for all the needed schools of the district, conforming to the rules and regulations of the State Board of Education for the hygienic, sanitary, and protective construction of school buildings.

The Board of Education is authorized and empowered, on the recom-



mentation of the Superintendent of Schools and approval of the State Commissioner of Education, to purchase playgrounds, school grounds, or school sites, and buildings, and to sell the same when no longer needed for educational purposes; to rent, repair, improve, and construct school buildings, or approve contracts for so doing when the plans conform to the rules and regulations of the State Board of Education. The Board of Education shall employ an architect or architects on the recommendation of the Superintendent of Schools to assist in the preparation of plans and specifications for remodeling old buildings and for constructing new buildings, but the architect or architects employed shall be approved by the State Commissioner of Education.

The Board of Education may receive donation of playgrounds, school grounds or school sites, or of houses, already built, suitably located and adapted to school purposes, but in no case shall any site be built upon or any house be occupied until a good and sufficient title has been obtained for the same in the corporate name of the Board.

When land shall be required for the site of a schoolhouse or for enlarging a schoolhouse lot, or for playgrounds or other school purposes, and the Board of Education shall for any cause be unable to contract with the owner or owners thereof upon what they deem to be a fair valuation thereof, the Board of Education may institute condemnation proceedings, but no lot so taken or enlarged shall exceed in the whole ten (10) acres including the land occupied by the school building.

Whenever it shall be necessary to institute condemnation proceedings to acquire any land for school purposes, as provided in this Section, the Board of Education may apply to the Associate Judge of the State of Delaware, resident in the County where any such land is located for the condemnation thereof, and the said resident Judge shall thereupon appoint five judicious and impartial freeholders residing in the county outside of such special school district, to view the premises and assess the damages which the owner or owners will sustain by reason of the taking of the said lands for the purposes aforesaid. The freeholders shall be sworn or affirmed faithfully and impartially to perform the duties assigned them. They shall give ten days' notice in writing to the owner or owners of the premises proposed to be condemned if within the State, and to the said Board of Education of the time of their meeting to view the premises and assess damages. If the owner or owners reside outside of

the State, or if under any legal disability, and having no legal representative in the State, publication of such notice shall be made in some newspaper in the county in which proceedings were instituted, at least, ten days prior to the date fixed for said meeting, and such publication shall be sufficient notice thereof. The said freeholders shall ascertain and assess the damages to the owner or owners, taking into consideration all circumstances of convenience or injury, but shall allow, at least, the cash value of the land taken, and shall certify their award to the owner or owners, and, also, to the Board of Education, and shall return a record of their proceedings with their finding and award to the Prothonotary of the County in which the proceedings were instituted. If the said freeholders should be guilty of misconduct in their proceedings, or if they should make a grossly improper award, the said Judge shall on application set aside their award and shall appoint other freeholders in their place, who shall proceed anew in the manner hereinbefore provided, and in like manner he may set aside their finding or award, or the finding or award of freeholders subsequently appointed for the purposes aforesaid, until a fair and equitable award has been made and accepted. The said Judge may substitute other freeholders in the place of any freeholder who for any reason may be unable to serve. When the amount of damages has been ascertained, the said Board of Education may pay, or tender the amount thereof, within two months, to the person or persons entitled thereto, or if, for any reason, payment can not be made to the owner or owners, the amount of such damages may be deposited to the credit of the persons entitled thereto in the Farmers Bank of the State of Delaware at the County Seat of the County in which said proceedings were instituted, and thereupon the said lands may be taken and occupied for the use and purpose for which said lands were condemned. The said freeholders shall be allowed three dollars (\$3) per day for their services which sum, together with other expenses of the said condemnation proceedings, shall be paid by the Board of Education of the respective special school district.

If for any reason the current income of the Board of Education is inadequate to provide ample, appropriate, and suitable grounds, buildings and equipment for all the needed schools of the district the Board of Education is authorized, and empowered, on the recommendation of the Superintendent of Schools, to issue bonds on the credit of the

district in amount sufficient to provide ample, appropriate, and suitable grounds, buildings, and equipment for all the needed schools of the district.

Provided that the Board of Education shall not be authorized to issue bonds for the purpose of this section in a greater amount in the aggregate than five per cent (5%) of the assessed value of the real estate of such special school district. Provided, further, that the funds derived from such bond issue shall be used only to provide or purchase new grounds, new buildings, and new permanent equipment. Such bonds shall not be issued or sold at less than their face value, and shall be issued in series, with no bond of any given series running more than twenty-five (25) years.

The bonds provided for in this section shall be in such denomination or denominations, in such form, and shall bear such rate of interest, not exceeding six per cent (6 %) per annum, as shall be determined by the Board of Education of the respective special school district. The said bonds shall be signed by the President and other members of the said Board of Education. The said Board of Education shall have the power to adopt and use a seal for the execution of the said bonds. The faith and credit of the special school district shall be deemed to be pledged for the payment of the said bonds. The said bonds shall be denominated as of the special school district in which they are issued, shall be of the series of the year in which they are issued, and the principal and interest shall be made payable at the branch of the Farmers Bank in the County in which said bonds are issued. The said bonds shall be exempt from all State, County, or Municipal taxes.

Provided, further, that the Board of Education shall, in its current school budget, hereinafter provided for, under the item "Debt Service" make provisions for the payment of the current interest on each and every series of bond issues and also for the payment and liquidation each year of not less than one twenty-fifth (1-25) of each and every series of bonds issued.

2326-72. SECTION 126. The Board of Education, subject to the provisions of this Chapter, and the policies, rules, and regulations of the State Board of Education, shall, on the written recommendation of the Superintendent of Schools, grade and standardize all the schools under its jurisdiction.

2326-73. SECTION 127. The Board of Education, subject to the provisions of this Chapter, the rules and regulations, prescribed courses of study, and the policies of the State Board of Education, shall prescribe, on the written recommendation of the Superintendent of Schools, courses of study for the schools under its jurisdiction, and a printed copy of these courses of study shall be supplied to every teacher and to every interested citizen of the district.

2326-74. SECTION 128. The Board of Education shall, on the written recommendation of the Superintendent of Schools, appoint all principals, teachers, all supervisors, attendance officers, janitors, and all other regular employees, and fix their salaries, subject to the provisions of Article 9 of this Chapter and of the salary provisions of Section 112 of Article 4. The Board of Education may suspend or dismiss without appeal, any principal, or teacher, or supervisor, or attendance officer, or other regular employee so appointed on the written recommendation of the Superintendent of Schools, for immorality, misconduct in office, incompetency, or wilful neglect of duty. Provided that in the case of a principal, or teacher, or supervisor, or attendance officer, the charges be stated in writing, and that the principal, or teacher, or supervisor, or attendance officer be given an opportunity to be heard by the Board upon not less than ten (10) days' notice; provided further that in all cases when the Board is not unanimous in its decision to suspend or dismiss a principal, or teacher, or supervisor, or attendance officer, the right of appeal shall lie to the State Board of Education. The contracts of every principal, teacher, supervisor, attendance officer, and other regular employees shall be for the school year, beginning July 1st and ending June 30th, except when they are employed after the beginning of the school year, when the contract shall be for the remainder of the school year.

2326-75. SECTION 129. The Board of Education shall select and adopt, on the written recommendation of the Superintendent of Schools, from the textbook list prescribed by the State Board of Education, purchase, and distribute free of charge to all day elementary and all day high school pupils, such textbooks as are necessary to carry out the adopted courses of study, provided that the textbooks so selected and adopted shall not be changed more often than once in three (3) years. The Board of Education shall also select and purchase on the written recom-

mentation of the Superintendent of Schools, such supplementary readers, maps, globes, and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus, and supplies as are necessary to the work of the schools, and no charge shall be made to either day elementary or day high school pupils for the use of such supplies or equipment.

2326-76. SECTION 130. The Board of Education, subject to the provisions of this Chapter and the rules and regulations of the State Board of Education, shall prescribe, on the recommendation of the Superintendent of Schools, forms and blanks on which principals, teachers, supervisors, attendance officers, janitors, and other regular employees shall make such reports as may be requested from them on the recommendation of the Superintendent of Schools, by the Board of Education.

2326-77. SECTION 131. The Board of Education is authorized, empowered, directed, and required to provide ample funds for the maintenance and operation of uniform, equal, and efficient schools throughout the district. Each year beginning with 1920, prior to the usual date on which the Levy Court of the respective county levy other county taxes, the Board of Education shall prepare, subject to the rules and regulations of the State Board of Education on the recommendation of the Superintendent of Schools, an itemized and detailed annual school budget. This annual school budget shall show the amounts needed during the succeeding school year for (1) debt service as provided for in Section 125 of this Chapter, (2) permanent improvements and repairs, and (3) current maintenance and operation, including the transportation of school children. The annual school budget shall also show the estimated amount that will be received from the State for (1) aiding elementary schools, which amount shall be used for paying elementary teachers' salaries and purchasing free textbooks, materials of instructions, and school supplies; (2) aiding high schools which amount shall be used for paying high school teachers' salaries and purchasing free textbooks, materials of instruction and school supplies; (3) the estimated amount of high school aid that will be received by reason of the provisions of the Smith-Hughes Vocational Education Act; (4) the estimated income of the Board other than from district taxation; and (5) the estimated amount that will need to be raised by district taxation. Taxes for special school district purposes

shall be of two kinds: (1) a capitation tax, the amount of which shall be fixed annually by the Board of Education and stated in its annual school budget, but which shall not be less than three dollars (\$3.00) nor more than six dollars (\$6.00) annually, and shall be levied on the person of all male residents of the respective special school district twenty-one (21) years of age or over; (2) a property tax, to be levied on the assessed value, as determined and fixed for other county taxation purposes, of the personal and real property in the respective special school district, provided that said tax so levied shall not exceed one and one-half per cent of the assessed value of the property in said special district. This annual school budget shall be submitted in writing, not less than ten (10) days before the usual date for levying other county taxes, to the Levy Court of the respective county; at the same time a written copy of this annual school budget shall be submitted to the State Commissioner of Education. The Levy Court of the respective county is authorized, empowered, directed and required to levy and to collect at the time of collections and through the collector or collectors of other county taxes, the capitation tax as fixed and specified in the annual school budget of the respective Board of Education, and to levy and collect such tax at the time of collection, and through the collector or collectors of county taxes on the assessed value, as determined and fixed for other county taxation purposes, of all personal and real property in and of the respective special school district as shall produce the remainder and the total amount required by the respective Board of Education to be raised by district taxation. All the powers and remedies, now or hereafter vested by law in the collector or collectors of taxes for county purposes, is hereby vested in the said collector or collectors in the collection of the special school district tax, levied under the provisions of this Section. The district school taxes so levied and collected, after deducting the fees for collection, if any, shall be turned over by the collector or collectors immediately on collection to the Treasurer of the Board of Education of the respective special school district, on the tax bills presented to the taxpayers of the respective special school districts, the school tax shall appear as a separate item entitled "District School Tax," and shall show as sub-items and separately the amount of capitation tax and the amount of personal and real property tax. Provided that for the school year 1919-20 the Board of Education shall prepare the annual school budget for the school year

1919-20 and present it as soon as possible after July 1, 1919, to the Levy Court of the respective county, and that the amounts required to be raised by district taxation shall be levied and collected as provided for beginning with 1920 in this Section by the Levy Court at the time local school taxes are now levied and collected under the existing school laws. All taxes received by the Board of Education shall be expended by them in accordance with the items of its annual school budget.

2326-78. SECTION 132. If for any reason the current funds on hand are not sufficient to meet the current expenses of the Board, the Board of Education, on the recommendation of the Superintendent of Schools, may borrow money on the credit of the district to meet current expenses, provided that all such current loans shall be paid within the school year in which such current loans are made and shall be paid from the funds derived from the taxes levied and collected for the current expenses of the schools within the given school year and provided further that the amount so borrowed shall at no time exceed ten per cent. (10 %) of the sum estimated for current expenses as shown by the school budget for that year.

2326-79. SECTION 133. The auditor of accounts shall each year, as soon as possible after July 1st, audit the business and financial transactions of the Board of Education of each special school district, and the records and accounts of its respective Treasurer, and the Board of Education of the respective special school district shall make public the result of this audit.

2326-80. SECTION 134. The Board of Education shall make all reports required by the State Board of Education, at such time, upon such items, and in such form and on such blanks as may be prescribed by the State Board of Education.

2326-81. SECTION 135. The Board of Education shall cause to be prepared and published annually in the month of November, in sufficient quantities for distribution among the citizens of the district, an annual report addressed to the people of the district, covering the condition, current accomplishments, and needs for the improvement of the Schools, also a statement of the business and financial transactions of the Board.

2326-82. SECTION 136. The Board of Education shall perform such other duties as are assigned to it elsewhere in this Chapter, or may be assigned to it from time to time by the General Assembly.

## ARTICLE 6

*Superintendent of Schools*

2326-83. SECTION 137. The Board of Education of each special school district shall appoint a Superintendent of Schools for a term of three years, and he shall hold office until his successor qualifies. No person shall be eligible for appointment to the office of Superintendent of Schools who does not hold from the State Board of Education a Superintendent of Schools' certificate as provided for in Article 8 of this Chapter, nor shall the appointment of any person by a Board of Education to the position of Superintendent of Schools be valid without the written approval of the State Commissioner of Education. Provided that the Superintendents of Schools, in the special school districts created by this Act, holding office at the time when this Act shall take effect, shall continue to serve to the end of the term for which they were last appointed, and until their successors qualify, unless removed as hereinafter provided, and shall also be eligible for reappointment; and provided further that all Superintendents of Schools shall be paid, beginning with the school year 1919-1920, on the basis of the salaries hereinafter specified. The Superintendent of Schools shall devote his entire time to public school business and shall receive such compensation as the Board of Education shall direct, provided that no Superintendent of Schools appointed to office under the provisions of this Section or continuing in office under the provisions of this Section shall be paid an annual salary less than the annual salary provided for in Article 9 of this Chapter. Boards of Education may, in their discretion, pay to a Superintendent of Schools an annual salary in excess of the annual salary specified in Article 9 of this Chapter. The State Board of Education may remove any Superintendent of Schools appointed under the provisions of this Section, or continuing in office under the provisions of this Section, for immorality, misconduct in office, incompetency, or wilful neglect of duty, upon making known to him in writing the charges against him and upon giving to him an opportunity of being heard, in person or by counsel, in his own defense upon not less than ten (10) days' notice. In case of vacancy due to any cause, the Board of Education shall fill the vacancy, and the appointment shall be for a full term of three (3) years and until a successor shall qualify.



2326-84. SECTION 138. The Superintendent of Schools, as the executive officer of the Board of Education, shall see that the laws relating to the schools, the enacted and published rules and regulations and the policies of the State Board of Education, and the rules and regulations and policies of the Board of Education of the particular special school district are carried into effect.

2326-85. SECTION 139. The Superintendent of Schools shall explain the true intent and meaning of the school laws and of the rules and regulations of the State Board of Education, subject to the approval in writing of the State Board of Education; he shall decide, without expense to the parties concerned, all controversies and disputes involving the rules and regulations of the Board of Education of the respective special school district and the proper administration of the public schools of the district, and his decision shall be final except that an appeal may be had to the State Board of Education if taken in writing within thirty (30) days. The Superintendent of Schools shall have authority to administer oaths, and to examine under oath in any part of the respective special school district, witnesses in any matter pertaining to the public schools of the district, and to cause the examination to be reduced to writing. Any person who, having been sworn or affirmed by him to tell the truth, wilfully gives false testimony, shall be guilty of false swearing and shall be punished accordingly.

2326-86. SECTION 140. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall recommend for approval and adoption by the Board of Education the kind, grade, and location of the schools to be established and maintained in the respective special school district.

2326-87. SECTION 141. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall recommend for approval and adoption by the Board of Education of the respective special school district policies adapted to promoting the educational interest of the district and rules and regulations for the conduct of the schools of the district.

2326-88. SECTION 142. The Superintendent of Schools, as the executive officer of the Board of Education, shall call and conduct conferences with the supervisors, attendance officers, principals, and teachers

of the respective special school district, and shall in every way seek to foster in teachers professional insight and efficiency and develop public interest in education.

2326-89. SECTION 143. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall develop a building program adequate to meet the needs of the schools of the respective school district, and shall submit the same for approval and adoption by the Board of Education. The Superintendent of Schools shall recommend to the Board of Education for condemnation, school buildings which are insanitary and unfit for use; he shall recommend in writing all repairs, the purchase of playgrounds, school grounds or school sites, and buildings, or the sale of the same, and shall prepare or cause to be prepared all plans and specifications for the remodeling of old buildings and the construction of new buildings, subject to the provisions of Section 36 of this Chapter; and he shall recommend, in his discretion, to the Board of Education an architect or architects to assist in the preparation of plans and specifications for remodeling old buildings or the construction of new buildings, and shall supervise such remodeling and construction. He shall approve in writing all contracts of whatever kind entered into by the Board of Education of the respective special school district and no contract entered into by the Board of Education of the respective special school district shall be valid without the written approval of its Superintendent of Schools.

2326-90. SECTION 144. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare rules and regulations for grading and standardizing all the public schools of the district and shall submit the same for approval and adoption by the Board of Education. He shall grade and standardize all the public schools of the district and shall recommend the same for approval by the Board of Education.

2326-91. SECTION 145. The Superintendent of Schools, subject to the provisions of this Chapter, the prescribed courses of study, and the policies and rules and regulations of the State Board of Education, and of the Board of Education of the respective special school district, shall prescribe courses of study for the schools of the respective school district and submit the same for approval and adoption by the Board of Educa-

tion. Printed copies of these courses of study shall be supplied to every teacher and every interested citizen of the district.

2326-92. SECTION 146. The Superintendent of Schools shall be the representative of the State Commissioner of Education in all State examinations for teachers' certificates conducted within the respective special school district, and shall perform such duties in connection therewith as may be required by the State Commissioner of Education.

2326-93. SECTION 147. The Superintendent of Schools shall nominate in writing for appointment by the Board of Education, and fix their salaries, subject to the provisions of Article 9 of this Chapter and the salary provisions of Section 112 of Article 4, and to the approval of the Board, all principals, all teachers, supervisors, attendance officers, janitors, and all other regular employees of the Board, shall assign to them their positions, transfer them as the needs of the schools require, recommend them for promotion, suspend them for cause, and recommend them for dismissal.

2326-94. SECTION 148. The Superintendent of Schools shall organize institutes for teachers and citizens, shall organize and direct the reading circle work of the district, advise teachers as to their further study and professional reading, and assist parents and citizens to acquire a knowledge of the aims and work of the schools of the district.

2326-95. SECTION 149. The Superintendent of Schools shall select from the textbook list prescribed by the State Board of Education such textbooks as are needed by the schools; also select such supplementary readers, maps, globes, and charts, materials of instruction, stationery, and school supplies, school furniture, educational equipment, apparatus and supplies as are necessary to the work of the schools, and recommend in writing the adoption, purchase, and distribution of the same by the Board of Education of the respective special school district. No contract for textbooks, supplementary readers, maps, globes, and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus and supplies shall be valid without the written approval of the Superintendent of Schools.

2326-96. SECTION 150. The Superintendent of Schools shall visit the schools, observe the management and instruction, and give suggestions for the improvement of the same. He shall advise with principals and teachers, and shall labor in every way to awaken public interest and

improve educational conditions within the respective special school district.

2326-97. SECTION 151. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare forms and blanks upon which principals, teachers, supervisors, attendance officers, janitors, and other regular employees shall make such reports as shall be required on the recommendation of the Superintendent of Schools by the Board of Education, and shall submit the same for approval to the Board of Education.

2326-98. SECTION 152. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare the annual school budget provided for in Section 131 of this Chapter, and shall submit the same for approval and adoption by the Board of Education. He shall in every way seek to secure adequate funds for the support and development of the schools of the respective special school district.

2326-99. SECTION 153. The Superintendent of Schools shall direct the taking, in the respective special school district, of the biennial school census provided for in Section 20 of this Chapter.

2326-100. SECTION 154. The Superintendent of Schools in such special school districts as employ attendance officers, shall, subject to the rules and regulations of the State Board of Education, enforce the provisions of Article 10 of this Chapter relating to school attendance. In such special school districts as do not employ attendance officers, the Superintendents of Schools shall co-operate in every way with the County Superintendents of Schools in the enforcement of the provisions of Article 10 of this Chapter relating to school attendance.

2326-101. SECTION 155. The Superintendent of Schools shall prepare, or cause to be prepared, and submit to the Board of Education for adoption, all reports required by the State Board of Education; and he shall prepare, or cause to be prepared, and submit for approval to the Board of Education the annual report addressed to the people of the respective special school district provided for in Section 135 of this Chapter.

2326-102. SECTION 156. The Superintendent of Schools, acting under the rules and regulations of the Board of Education, shall be responsible for the administration of the office of the Superintendent of Schools,

and he shall see that all regular appointees of the Board of Education devote their entire time to their duties.

2326-103. SECTION 156-A. The Board of Education shall provide the Superintendent of Schools and his professional and clerical assistants with ample, convenient, and comfortable office quarters, and with adequate clerical supplies and equipment.

2326-104. SECTION 157. The Superintendent of Schools shall perform such other duties as are assigned to him elsewhere in this Chapter, or may be assigned to him from time to time by the Board of Education and the General Assembly.

#### ARTICLE 7

##### *Boards of School Trustees*

2326-105. SECTION 158. In each school attendance district of the county school system there shall be, as the local representative of the County Board of Education and as the representative of local educational interest, a Board of School Trustees. There shall be one such Board for each school attendance district. Boards of school trustees shall be composed of three members elected from the residents of the several school attendance districts at the annual school election for a term of three years from the first day of July next succeeding their election, and they shall hold office until their successors qualify. Provided that when this Act goes into effect, and as soon after July 1st, 1919, as possible, the County Boards of Education of the respective counties shall appoint from the residents of the several school attendance districts of their respective counties three members of the Board of School Trustees of the respective school attendance districts in their respective counties, who shall take office immediately, and serve until the first day of July 1920, and until their respective successors qualify.

At the school election of 1920, three members shall be elected to the Board of Trustees of each school attendance district, one to serve for one year, or until the first day of July 1921, one to serve for two years, or until the first day of July 1922, one to serve for three years, or until the first day of July 1923, and until their respective successors qualify. Provided that in the first election under the provisions of this section, the candidate receiving the highest number of votes shall be declared elected

for three years; the candidate receiving the next highest number of votes shall be declared elected for two years, and the candidate receiving the next highest number of votes shall be declared elected for one year. Thereafter, one member shall be elected at the school election in each school attendance district for the school term of three years. Provided, that nominations for members of the Board of School Trustees of the respective school attendance districts may be made on the day of the school election, and without petition. And provided, also, that the name of any person to be voted for as a member of the Board of School Trustees may be written upon the ballot of any voter. A County Board of Education may remove any member of a Board of School Trustees of the same county for immorality, misconduct in office, incompetency or wilful neglect of duty, giving to him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense upon not less than ten (10) days' notice. Vacancies on the Boards for any cause shall be filled by the County Boards of Education for the unexpired term, and until his successor qualifies. If, for any reason, it should be found impossible to provide any school attendance district with a Board of School Trustees, the duties of the Board for the particular school attendance district shall devolve upon the County Board of Education.

2326-106. SECTION 159. The office of the Board of School Trustees shall be the schoolhouse of the respective school attendance district. The Board of School Trustees shall meet on the first Saturday in the month of July after their election, and shall elect one of its members to serve as President, and shall give notice of such election to the Secretary of the County Board of Education of the respective County. Other regular meetings of the Board shall be held on the third Friday of September, December, and March, and such special meetings may be held as the duties and business of the Board may require. The rules generally adopted by deliberative bodies for their government shall be observed by the Boards of School Trustees. No motion or resolution shall be declared adopted without the consent of a majority of the whole Board.

2326-107. SECTION 160. The principal or the teacher or the senior teacher of the school of the respective school attendance district shall be the Secretary of the Board of School Trustees. The principal or the teacher or the senior teacher, thus acting as secretary, shall attend all

meetings of the Board, except when the given principal or teacher or senior teacher is under consideration; shall have the right to speak upon all questions, but shall have no right to vote; shall prepare for adoption all reports requested of this Board; shall keep all its records; shall keep the minutes of the meetings of the Board and its accounts in a record book provided by the County Board of Education, and shall conduct the correspondence of the Board. Any teacher of the school of the respective school attendance district shall have the right to appear before the Board and speak upon any question, but no teacher shall be entitled to be present when the respective teacher is under consideration. In case the principalship of the school of the respective school attendance district is vacant or there is no teacher, or whenever the principal or teacher is absent by reason of the business in hand or otherwise, the Board shall appoint one of its members to act for the time being as Secretary.

2326-108. SECTION 161. The Board of School Trustees shall have the care in its respective school attendance district of the buildings and land connected therewith intended for school purposes, also the school apparatus and other school property. They shall attend to all incidental repairs and charge the cost among the incidental expenses of the school to be paid by the County Board of Education. Provided that when the repairs are to be paid by the County Board of Education, the amount to be expended shall be approved by the County Superintendent of Schools and authorized by the County Board of Education before the repairs are made.

2326-109. SECTION 162. The Board of School Trustees shall meet, each year, at the call of the President at least two months before the usual time of the preparation of the annual school budget by the County Board of Education, to consider the condition and needs of the school property of its respective school attendance district, and shall report its findings and its recommendations to the County Board of Education.

2326-110. SECTION 163. Any person who shall disturb a public school in session or wilfully destroy any public school property shall upon conviction thereof, be deemed guilty of a misdemeanor, and shall, upon conviction, forfeit and pay twenty dollars (\$20), to be collected as other fines, and paid to the Board of School Trustees for the benefit of the respective

school attendance district; or said offender shall be imprisoned not exceeding thirty days, or both, in the discretion of the court.

2326-111. SECTION 164. The Board of School Trustees shall employ and fix the salary of a janitor or janitors for the school of its respective school attendance district, subject to the approval of the County Superintendent of Schools. No teacher shall be required to do janitorial service, but where it is impossible or otherwise impracticable to employ a janitor or janitors, the Board of School Trustees may employ a teacher or teachers, paying the usual wages for such janitorial service, but the amount received for such janitorial service shall not be regarded or considered as a part of the teacher's annual salary as a teacher.

2326-112. SECTION 165. The Board of School Trustees shall have the power to refuse to accept the original assignment of a principal, or teacher, or teachers to the school of its respective school attendance district, and on notification of such refusal, the County Superintendent of Schools shall name another principal or another teacher for each teacher so refused by the Board of School Trustees. Provided, that the County Superintendent of Schools shall not be required to name more than two principals or two teachers for any one place in said school.

2326-113. SECTION 166. The Board of School Trustees shall meet at the school of its respective school attendance district on the Saturday preceding the day for opening the school for the school year, have present the principal, or teacher, and teachers, and discuss the general policy of conducting the school, and take definite steps toward making the school a real centre for the community's civic and educational activities.

2326-114. SECTION 167. The Board of School Trustees shall visit the school of its respective school attendance district, and shall seek in every way to develop public sentiment in support of the school. In case of dissatisfaction, they may file, with the County Board of Education, written charges requesting the removal of the principal, or teacher, or teachers.

2326-115. SECTION 168. When the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the presentation and discussion of public questions, such organizations, upon request in writing to the Board of School Trustees of any school attendance district shall have the free use of the schoolhouse for weekly, bi-weekly, or monthly gatherings, or at such times as the citizens' or



ganization shall request or designate; provided that said meetings shall be held during those hours when the school building is not being used for its principal purpose.

The Board of School Trustees and Boards of Education of special school districts shall allow, on written request, the free use of the schoolhouse or schoolhouses under their jurisdiction for farmers' meetings, public speakings, lectures, entertainments, church festivals, Red Cross meetings, Y. M. C. A. meetings, political meetings, or for any other purposes which are for the civic welfare. Provided that the person or persons making application for the use of a schoolhouse for a public meeting shall be responsible for all damage to the property occurring at such meeting, ordinary wear and tear excluded, and upon failure of the person or persons to respond in damages for any such injury to the property, the Board in charge of the schoolhouse may refuse all future applications until such injury is repaired without expense to the Board in charge of the property.

#### ARTICLE 8

##### *Teachers' Certificates*

2326-116. SECTION 169. The examination and certification of teachers, after July 1, 1920, shall be a State function, and all examinations for teachers' certificates shall be on uniform questions prepared, subject to the approval of the State Board of Education, and sent out by the State Commissioner of Education either in person or through his assistants. All examination papers shall be forwarded to, read, and graded by, the State Commissioner of Education, either in person or by his assistants. The County Superintendents of Schools and the Superintendents of Schools of special school districts shall render such assistance in conducting examinations as may be required by the State Commissioner of Education. All details connected with examinations for teachers' certificates, the exchange and the renewal of the same, the granting of such on certificates or diplomas, and the conditions under which certificates, diplomas, and degrees of institutions of the State of Delaware and of other States will be recognized, not provided for in this Article, shall be determined by the State Board of Education. The Commissioner of Education shall publish a bulletin containing full information

of the time and place, the number and kinds of examinations, the rules and regulations controlling examinations, and the issuance of certificates on credentials or diplomas.

2326-117. SECTION 170. No person shall be employed as county superintendent of schools, superintendent of schools of a special school district, assistant superintendent, supervisor, principal, or teacher unless such person shall hold a certificate issued by the State Board of Education, of the kind and grade required for the position, but any county or special school district may require as a condition of employment a higher standard for a certificate of a similar kind and grade than is required by the State. Provided that all teachers' certificates in force at the time this Section goes into effect shall be exchanged for State certificates of equal time value and validity. Provided further, that no certificate heretofore issued shall be valid after this Section goes into effect, for appointment to the position of county superintendent of schools, superintendent of schools of a special school district, assistant superintendent, supervisor, high school principal, high school and elementary school principal, or elementary school principal in elementary schools having three teachers or more, including the principal, high school teacher, or elementary school teacher in special school districts, except in case of persons holding the foregoing positions at the time this Section goes into effect, and then valid only in the particular county or special school district in which they are employed at the time this Section goes into effect.

2326-118. SECTION 171. The certificates hereafter to be granted shall be:

(1) A certificate in administration and supervision, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit and required of all county superintendents, may be issued to persons who are graduates of a standard college or university, who have completed in addition one graduate year's work at a recognized university, including public school administration, supervision, and method of teaching, and who have had five (5) years' experience as administrator or teacher.

(2) A certificate in elementary school supervision, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required of assistant

superintendents and elementary school supervisors, may be granted to persons who are graduates of a two year standard normal school, who have completed in addition two academic years' work at a standard college or university, including academic branches related to the elementary school and elementary school methods and supervision, and who have had three (3) years' experience in elementary schools as supervisor or teacher. Such a certificate may also be granted to persons who are graduates of a four year course of a standard college or university, who have had as a part of their college or university course, work in academic branches related to the elementary school and in elementary school methods and supervision, and who have had three (3) years' experience in elementary schools as supervisor or teacher.

(3) A certificate in supervision (special), valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required of special supervisors in physical training, music, fine and applied arts, household arts, manual or industrial training, agriculture, etc., may be granted to persons who have had four years of work of a college grade, who have specialized in the branch or branches for which the certificate is issued, including the art of teaching and supervising their particular specialty, and who have had three (3) years' experience as supervisor or teacher of their specialty.

(4) A superintendent of schools' certificate, valid in all special school districts of the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and also valid as a high school principal's certificate, and required in all special school districts, may be granted to persons who are graduates of a standard college or university, who have had in addition a year's graduate work at a standard university, including elementary school and high school methods, supervision and administration, and who have had three (3) years' experience as administrator, principal, or teacher.

(5) A high school principal's certificate, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all first class State aided high schools, may be granted to persons who are graduates of a standard college or university, who have had in addition a year's graduate work at a standard university, including high school methods, supervision, and administration, and who have had two (2) years' experience

as principal or teacher. This certificate is also valid in second class State aided high schools.

(6) A high and elementary school principal's certificate valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all State aided high schools of the second class and in all schools rated as high schools by the Commissioner of Education, may be granted to persons who are graduates of a standard college or university, who have had, as a part of their college or university course, work in the teaching of elementary school and high school subjects and in supervision and administration, and who have had one (1) year's experience as principal or teacher. This certificate is also valid in an elementary school, when such elementary school is in the same building as a second class State aided high school or school rated as a high school by the State Commissioner of Education.

(7) A high school teacher's certificate in the regular academic studies, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all State aided high schools and all schools rated as high schools by the State Commissioner of Education, may be granted to persons who are graduates of a standard college or university, provided that during their college course at least two high school branches were continuously pursued for two years, and that they have had work in the aims and methods of secondary education, and practice teaching of high school studies; provided further that the State Commissioner of Education may in his discretion certificate persons possessing the foregoing qualifications to teach in the advanced grades of elementary schools.

(8) A high school teacher's certificate in the special branches of music, manual or industrial training, household arts, fine and applied arts, commercial branches, physical training, agriculture, etc., valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all State aided high schools and all schools rated as high schools by the State Commissioner of Education, may be granted to persons who have had four years' work of a college grade, and who have specialized in the branch or branches for which the certificate is issued, including the art of teaching their particular specialty.

(9) An elementary school principal's certificate, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all elementary schools having three or more teachers including the principal may be granted to persons who have completed a two year standard normal school course, who have had in addition not less than a full half year's work at a recognized college or university in elementary school methods, supervision, and administration, and who have had three (3) years' teaching experience. Such a certificate may also be granted to persons having had equivalent academic and professional work in a recognized college or university and who have had three (3) years' teaching experience.

(10) An elementary school teacher's certificate of the first grade, valid for three years in the elementary schools of the State, required in the elementary schools of all special school districts, renewable for three year periods on evidence of successful experience and professional spirit, may be issued to persons who have completed a two year professional elementary school course in a standard normal school, college or university. Provided also that an elementary school teacher's certificate of the first grade, valid for three years in the kindergarten and first three primary grades of the elementary schools of the State, required in the elementary schools of all special school districts, and renewable for three year periods on evidence of successful experience and professional spirit, may be granted to persons who have completed a two year professional course in kindergarten or in primary work in a standard normal school, college or university. Provided further that elementary school teachers' certificates of no other grade may be issued after July 1st, 1935.

(11) An elementary school teacher's certificate of the second grade, valid for two years in the elementary schools of the State, except in the elementary schools of special school districts, may be issued to graduates of high schools having a four year course, or the equivalent, on examination in reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and of Delaware, community civics, elementary science, hygiene and sanitation, music, drawing, handwork, physical training, the theory and practice of teaching, and such other subjects as may be required by the State Board of Education. Provided that no applicant shall be granted such a certificate

who has not completed at least six weeks of professional preparation in a standard institution, nor shall such certificate be issued to any person under twenty (20) years of age. Provided further, that this certificate may be renewed for a period of two years on evidence of successful experience and completion of not less than six weeks of additional academic and professional preparation in a standard institution. This certificate may be renewed for a second time for a period of three years, next succeeding or otherwise, on evidence of successful experience and completion of not less than six additional weeks of academic and professional preparation in a standard institution, and so on for an indefinite number of three year periods, successive or otherwise; but this certificate may not be issued a second time to the same person on examination. Elementary school teachers' certificates of this grade may not be issued after July 1st, 1935.

(12) An elementary school teacher's certificate of the third grade, valid for two years in the elementary schools of the State, except in the elementary schools of special school districts, may be issued to persons having had less than a four year high school course, on examination in reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Delaware, community civics, elementary school science, hygiene and sanitation, physical training, the theory and practice of teaching, and such other subjects as may be required by the State Board of Education. Provided that no applicant shall be granted such a certificate who has not completed at least six weeks of professional preparation in a standard institution, nor shall such certificate be issued to any person under twenty (20) years of age. Provided, that this certificate may be renewed for one year on presentation of evidence of successful experience and completion of not less than six weeks of additional academic and professional preparation in a standard institution. Provided further, that this certificate may be renewed for a second time for a period of three years, next succeeding or otherwise, on evidence of successful experience and completion of an additional six weeks of academic and professional preparation in a standard institution, and so on for an indefinite number of three year periods, successive or otherwise; but this certificate may not be issued a second time to the same person on examination. Elementary school teachers' certificates of this grade may not be issued after July 1st, 1930.

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of the second grade when it is possible to employ persons holding elementary school teachers' certificates of the first grade.

2326-122. SECTION 174. Principals' and teachers' certificates shall be of two classes: first class and second class. All principals' and teachers' certificates issued by the State Board of Education shall, when issued, be of the second class, and shall be subject to classification by County Superintendents and Superintendents of Schools of special school districts. The certificates of all principals and teachers employed shall be respectively classified by County Superintendents and Superintendents of Schools of special school districts not less than once in two years. In determining the class of the certificate of a particular principal or teacher, the following points are to be considered: (a) scholarship; (b) executive ability; (c) personality; and (d) teaching power. County Superintendents and Superintendents of Schools of special school districts may add such other requirements as are approved by the State Commissioner of Education. County Superintendents of Schools and Superintendents of Schools of special school districts shall keep a record of the kind, grade, and class of certificate held by each principal and teacher employed and on or before the first day of October each year shall submit to their respective Boards of Education a list of all principals and teachers employed, together with the kind, grade, and class of their certificates, and a copy of this report shall be transmitted to the State Commissioner of Education.

#### ARTICLE 9

##### *Teachers' Salaries*

2326-123. SECTION 175. No teacher holding a provisional elementary school teacher's certificate of the third grade shall be employed in any free public school of the State at an annual salary of less than four hundred dollars (\$400); and no teacher holding a provisional elementary school teacher's certificate of the second grade shall be employed in any free public school of the State at an annual salary of less than four hundred and fifty dollars (\$450).

2326-124. SECTION 176. No teacher holding an elementary school teacher's certificate of the third grade as defined in Article 8 of this Chapter shall be employed in any free public school of the State at an annual



salary of less than five hundred dollars (\$500). Provided that if such teacher holding an elementary school teacher's certificate of the third grade, classified as first class, as provided for in Article 8 of this Chapter, has taught in the free public schools of the State two (2) full school years, such teacher shall thereafter receive an annual salary of not less than six hundred dollars (\$600); provided further that if such teacher holding an elementary school teacher's certificate of the third grade, classified as first class, has taught in the free public schools of the State four (4) full school years, such teacher shall thereafter receive an annual salary of not less than seven hundred dollars (\$700); and provided further that if such teacher holding an elementary school teacher's certificate of the third grade, classified as first class, has taught in the free public schools of the State six (6) full school years, such teacher shall thereafter receive an annual salary of not less than eight hundred dollars (\$800).

2326-125. SECTION 177. No teacher holding an elementary school teacher's certificate of the second grade, as defined in Article 8 of this Chapter, shall be employed in any free public school of the State at an annual salary of less than six hundred dollars (\$600). Provided that if such teacher holding an elementary school teacher's certificate of the second grade, classified as first class as provided for in Article 8 of this Chapter, has taught in the free public schools of the State two (2) full school years, such teacher shall thereafter receive an annual salary of not less than seven hundred dollars (\$700); provided further that if such teacher holding an elementary school teacher's certificate of the second grade classified as first class, has taught in the free public schools of the State four (4) full school years such teacher shall thereafter receive an annual salary of not less than eight hundred dollars (\$800); and provided further that if such teacher holding an elementary school teacher's certificate of the second grade, classified as first class, has taught in free public schools of the State six (6) full school years, such teacher shall thereafter receive an annual salary of not less than nine hundred dollars (\$900).

2326-126. SECTION 178. No teacher holding an elementary school teacher's certificate of the first grade, as defined in Article 8 of this Chapter, shall be employed in any free public school of the State at an annual salary of less than seven hundred and fifty dollars (\$750). Provided that if such teacher holding an elementary school teacher's certificate of the first grade, classified as first class as provided for in Article 8 of this

Chapter, has taught in the free public schools of the State two (2) full school years, such teacher shall thereafter receive an annual salary of not less than eight hundred and fifty dollars (\$850); provided further that if such teacher holding an elementary school teacher's certificate of the first grade, classified as first class, has taught in the free public schools of the State four (4) full school years, such teacher shall thereafter receive an annual salary of not less than nine hundred and fifty dollars (\$950); and provided further that if such teacher holding an elementary school teacher's certificate of the first grade, classified as first class, has taught in the free public schools of the State six (6) full school years, such teacher shall thereafter receive an annual salary of not less than one thousand and fifty dollars (\$1050).

2326-127. SECTION 179. No principal holding an elementary school principal's certificate, as defined in Article 8 of this Chapter, shall be employed as principal in any free public elementary school of the State having three or more teachers including the principal, at an annual salary of less than nine hundred and fifty dollars (\$950). Provided that if such a principal holding an elementary school principal's certificate, classified as first class as provided for in Article 8 of this Chapter, has served as principal of a free public elementary school of the State having three or more teachers including the principal, two (2) full school years, such principal shall thereafter receive an annual salary of not less than one thousand and fifty dollars (\$1050); provided further that if such principal holding an elementary school principal's certificate, classified as first class, has served as principal of a free public elementary school of the State having three or more teachers including the principal four (4) full school years, such principal shall thereafter receive an annual salary of not less than eleven hundred and fifty dollars (\$1150); and provided further that if such principal holding an elementary school principal's certificate, classified as first class, has served as principal of a free public elementary school of the State having three or more teachers including the principal six (6) full school years, such principal shall thereafter receive an annual salary of not less than twelve hundred and fifty dollars (\$1250).

2326-128. SECTION 180. No teacher holding a high school teacher's certificate as defined in Article 8 of this Chapter, shall be employed in any free public high school of the State at an annual salary of less than eight

hundred dollars (\$800). Provided that if such teacher holding a high school teacher's certificate, classified as first class as provided for in Article 8 of this Chapter, has taught in a free public high school of the State two (2) full school years, such teacher shall thereafter receive an annual salary of not less than one thousand dollars (\$1000); provided further that if such teacher holding a high school teacher's certificate, classified as first class, has taught in a free public high school of the State four (4) full school years, such teacher shall thereafter receive an annual salary of not less than twelve hundred dollars (\$1200); and provided further that if such teacher holding a high school teacher's certificate, classified as first class, has taught in a free public high school of the State six (6) full school years, such teacher shall thereafter receive an annual salary of not less than fourteen hundred dollars (\$1400).

2326-129. SECTION 181. No principal holding a high and elementary school principal's certificate as defined in Article 8 of this Chapter shall be employed in any free public high and elementary school of the State at an annual salary of less than one thousand dollars (\$1000). Provided that if such principal holding a high and elementary school principal's certificate classified as first class as provided for in Article 8 of this Chapter, has served as principal of a free public high and elementary school of the State two (2) full school years, such principal shall thereafter receive an annual salary of not less than twelve hundred dollars (\$1200); provided further that if such principal holding a high and elementary school principal's certificate, classified as first class, has served as principal of a free public high and elementary school of the State four (4) full school years, such principal shall thereafter receive an annual salary of not less than fourteen hundred dollars (\$1400); and provided further that if such principal holding a high and elementary school principal's certificate, classified as first class, has served as principal of a free public high and elementary school of the State six (6) full school years, such principal shall thereafter receive an annual salary of not less than sixteen hundred dollars (\$1600).

2326-130. SECTION 182. No principal holding a high school principal's certificate as defined in Article 8 of this Chapter shall be employed in any free public high school of the first class of the State at an annual salary of less than twelve hundred dollars (\$1200). Provided that if such principal holding a high school principal's certificate, classified as first class as provided for in Article 8 of this Chapter, has served as principal,

of a free public high school of the first class of the State two (2) full school years, such principal shall thereafter receive an annual salary of not less than fourteen hundred dollars (\$1400); provided further that if such principal holding a high school principal's certificate, classified as first class, has served as principal of a free public high school of the first class of the State four (4) full school years, such principal shall thereafter receive an annual salary of not less than sixteen hundred dollars (\$1600); and provided further that if such principal holding a high school principal's certificate, classified as first class, has served as principal of a free public high school of the first class of the State six (6) full school years, such principal shall thereafter receive an annual salary of not less than eighteen hundred dollars (\$1800).

2326-131. SECTION 183. No superintendent of schools holding a superintendent of schools' certificate as defined in Article 8 of this Chapter shall be employed as superintendent of the free public schools of any special school district of the State at an annual salary of less than sixteen hundred dollars (\$1600). Provided that if such superintendent of schools holding a superintendent of schools' certificate has served as superintendent of the free public schools of any special school district of the State two (2) full school years, such superintendent of schools shall thereafter receive an annual salary of not less than eighteen hundred dollars (\$1800); provided further that if such superintendent of schools holding a superintendent of schools' certificate has served as superintendent of the free public schools of any special school district of the State four (4) full school years, such superintendent of schools shall thereafter receive an annual salary of not less than two thousand dollars (\$2000); provided further that if such superintendent of schools holding a superintendent of schools' certificate has served as superintendent of the free public schools of any special school district of the State six (6) full school years, such superintendent of schools shall thereafter receive an annual salary of not less than twenty-two hundred dollars (\$2200).

2326-132. SECTION 184. Any County Board of Education or any Board of Education of a special school district may pay higher salaries than are prescribed in the scale of salaries provided for in this Article, but no County Board of Education or Board of Education of a special school district may pay lower salaries than are provided for in this Article; and the salary of no superintendent of schools, principal, or teacher

employed at the time this Article goes into effect shall be diminished by reason of the provisions of this Article, but every superintendent of schools, principal, and teacher shall be entitled to any increase in salary beginning with the school year 1919-1920 that may herein be granted when this Article goes into effect; provided that the length of service required to give additional salary, as provided in this Article, shall be reckoned from the date of the approval of this Act.

2326-133. SECTION 185. Every County Board of Education and every Board of Education of a special school district is authorized, empowered, directed, and required to provide in its respective annual school budget funds to meet the scale of salaries provided for in this Article.

2326-134. SECTION 186. The salaries of county superintendents of schools, supervisors, attendance officers, superintendents of schools, principals, teachers, and of all other regular employees of County Boards of Education and of Boards of Education of special school districts shall be paid monthly, on or before the tenth (10th) day of each calendar month succeeding that for which the salary is due, but no person shall be entitled to receive payment for services unless all required current records are accurately and correctly kept and all required reports are made and submitted.

#### ARTICLE 10

##### *School Attendance*

2326-135. SECTION 187. Every parent, guardian or other person in this State having control of a child between the ages of seven and fourteen is required to and shall send such child to a free public school during the entire period of each year the free public schools of the county or the special school district in which said child resides are in session, unless it can be shown to the satisfaction, and witnessed by written endorsement, of the respective County Superintendent of Schools or to the respective Superintendent of Schools of the given special school district that such child is elsewhere receiving regular and thorough instruction during such period in the studies taught in the free public schools of the State to children of the same age and stage of advancement. Provided that the County Superintendents of Schools and the Superintendents of Schools

of special school districts, or persons duly authorized by such Superintendents of Schools, may excuse, subject to the rules and regulations of the State Board of Education, cases of necessary and legal absence of pupils enrolled in the public schools. Provided further that the provisions of this Section shall not apply to children whose mental or physical condition, as attested by a physician's certificate, is such as to render the instruction above described inexpedient or impracticable. And provided further that private teachers in families, and principals and teachers in private schools and educational institutions, whose instruction in lieu of public school attendance has the written endorsement of the respective County Superintendent of Schools or of the Superintendent of Schools of the given special school district, may excuse, subject to the rules and regulations of the State Board of Education, cases of necessary and legal absence of pupils from school work, but such private teachers and such principals and teachers in private schools and educational institutions shall make, to the respective County Superintendent of Schools or respective Superintendent of Schools of the given special school district, all reports on the attendance of children in their charge and under their instruction as may be required by the State Board of Education.

2326-136. SECTION 188. Every person, guardian, or other person in this State having control of a child fourteen years of age or fifteen years of age or sixteen years of age, who has not completed the work of the eighth grade of the free public schools, is required to and shall send such child to the free public schools of the county or special school district in which the child resides, not less than one hundred (100) days, as nearly consecutive as possible, beginning not later than November first, during the period of each year the free public schools of the respective county or special school district are in session; and such child shall be sent to school the entire period of each year, the free public schools of the respective county or special school district are in session if not regularly or legally employed to labor at home or elsewhere, unless it can be shown to the satisfaction, and witnessed by written endorsement, of the County Superintendent of Schools or of the respective Superintendent of Schools of the given special school district that such child is elsewhere receiving regular and thorough instruction during such period in the studies taught in the free public schools of the State to children of the same age and stage of advancement. Provided that the provisions of this Section shall

not apply to children whose mental or physical condition, as attested by a physician's certificate, is such as to render the instruction above described inexpedient or impracticable. Provided further that private teachers, principals and teachers in private schools and educational institutions shall make to the respective County Superintendent of Schools or Superintendent of Schools of the given special school district, all reports on the attendance of such children in their charge and under their instruction as may be required by the State Board of Education.

2326-137. SECTION 189. For every neglect of duty imposed by Sections 187 and 188 of this Article on parents, guardians, or other persons, the parents, guardians, or other persons offending shall be guilty of a misdemeanor, and shall upon conviction thereof forfeit a fine of not less than five dollars (\$5) or more than twenty-five dollars (\$25) on first conviction, and a fine of not less than twenty-five dollars (\$25) or more than fifty dollars (\$50) for each subsequent conviction, and in default of payment of said fine, the defendant may be committed to the county prison for a period not exceeding two (2) days for the first conviction, and for a period not exceeding five (5) days for each subsequent conviction. Provided, however, that before such action shall be brought for any of the aforesaid penalties, the parent, guardian, or other person liable therefor, shall be notified in writing by the County Superintendent of Schools or by the Superintendent of Schools of the special district, according to the residence of the offending person, of such liability, and shall have opportunity, by compliance with the requirement of this Article within three school days then and thereafter to avoid the imposition of such penalty. The mailing of such notice to the usual address of the offending party shall be deemed sufficient under this Article. But after such notice has been given, if the same child is absent from school three days or their equivalent in time during the remaining period of compulsory attendance, without excuse provided for by Section 187 of this Article, the parent, guardian, or person in parental relation, shall be liable to prosecution under this Article without further notice.

2326-138. SECTION 190. The fines provided for by this Article, shall, when collected, be paid over by the officers collecting the same, to the Treasurer of the County Board of Education or of the Board of Education of the special school district, according to the residence of the person convicted, to be accounted for by such Treasurer as other moneys raised

for school purposes; such fines shall be collected by a process of law similar to the collection of other fines.

2326-139. SECTION 191. It shall be the duty of attendance officers to apprehend or arrest without warrant truants and those who fail to attend school in accordance with the provisions of Sections 187 and 188 of this Article. When an attendance officer apprehends or arrests a truant or other person, as herein set forth, he shall have power immediately to place him or her in the free public schools in which he or she is or should be enrolled; or to place such child, at the expense of the parent, guardian, or person in parental relation, under such private person, or in such private school or educational institution, as is provided for in Section 187 of this Article, when so requested.

2326-140. SECTION 192. The Board of Education of any county, on the recommendation of the County Superintendent of Schools, and the Board of Education of any special school district, on the recommendation of its respective Superintendent of Schools, (either separately or jointly), may establish special schools for children who are habitual truants or who are insubordinate or disorderly during their attendance upon instruction in the free public schools, and may provide for the proper care, maintenance and instruction of such children in such schools and for such period of time as the respective Board, on the recommendation of its respective Superintendent of Schools, may prescribe. But before the pupil shall be placed in such special school, the parent, guardian, or person in parental relation shall have opportunity to be heard.

2326-141. SECTION 193. All truancy and incorrigibility shall be deemed disorderly conduct, and in case no special school, as herein prescribed, has been established, the County Superintendent of Schools and the Superintendents of Schools of special school districts shall proceed against such truant or incorrigible pupil as a disorderly person, and upon conviction the pupil may be sentenced for a definite time to the Ferris Industrial School for Boys or Delaware Industrial School for Girls. The State Treasurer shall pay to the authorities of the said school the sum of fifty cents (50 cents) per day, from money not otherwise appropriated, for each day such pupil is confined in said institution.

2326-142. SECTION 194. County Superintendents of Schools and Superintendents of Schools in special school districts, or persons designated by such superintendents, shall issue employment certificates, permits



and badges, and the principal or the head teacher of the several free public schools, and private teachers and the principal or head teacher of private schools or educational institutions provided for in Section 187 of this Article shall make out and sign such records as are required by the laws regulating child labor as provided by Article 3 of Chapter Ninety of the Revised Code.

#### ARTICLE II

##### *Importation of Dependent Children*

2326-143. SECTION 195. It shall be unlawful for any person, association, or corporation to bring or send, or cause to be brought or sent, into the State of Delaware, any dependent child, for the purpose of placing such child in any home in this State, or for the purpose of procuring the placing of such child in any home by indenture, adoption or otherwise, without first obtaining the written consent of the State Commissioner of Education, and giving bond, as hereinafter provided.

2326-144. SECTION 196. Before any child shall be brought into this State for any of the purposes provided in Section 195 of this Article, the person, association, or corporation desiring to bring or send any such child into this State, shall execute a bond to the State of Delaware in the penal sum of three thousand dollars (\$3000) to be approved by the State Commissioner of Education, and to be with surety, if the said State Commissioner of Education shall so require. The condition of said bond shall be substantially that such person, association or corporation shall not bring or send, or cause to be brought or sent into, this State any child that is incorrigible, that is of unsound mind or body, or that is feeble-minded; that such person, association or corporation shall at once, upon the placing of any child, report to the State Commissioner of Education the name and age of such child, and the name and residence of the person with whom placed; that if any such child shall become a public charge before reaching the age of twenty-one years, such person, association or corporation shall, within thirty days after written notice given by the State Commissioner of Education, remove such child from the State; that if, within three years from the time of its arrival in the State, any such child shall be convicted of crime, or misdemeanor, and be imprisoned, that such person, association, or corporation, shall remove any

such child from the State immediately upon its being released from imprisonment, and, upon failure to remove any such child, after thirty days' notice and demand so to do, or to remove any child that has been convicted as aforesaid, such person, association or corporation, shall, at once, pay to the county, or municipality, wherein the expense was incurred in behalf of such child, such sum as the said county, or municipality, shall have expended in the care, maintenance, or prosecution of such child; that, in placing any child, such person, association, or corporation shall and will enter into contract with the person, with whom placed, requiring that such child shall receive a proper home and suitable care, training and education; that such person, association, or corporation shall properly supervise the care and training of every such child, and that every such child shall be visited, at least once a year, by a responsible agent or representative of the person, association or corporation placing the child; and that such reports shall be made to the State Commissioner of Education as the State Board of Education may from time to time require.

2326-145. SECTION 197. The State Board of Education shall have general supervision in relation to the importation, placing, removal and supervision of all children placed under the provisions of this Article, and shall make such rules and regulations in relation thereto, and in relation to the rejection of incorrigible, unsound or feeble-minded children, and to the removal of children who have been convicted of crime, or who have become a public charge, as the State Board of Education may deem necessary and proper, not inconsistent with the provisions of this Article.

2326-146. SECTION 198. Any person, association, or corporation, or any officer, agent or employee thereof, who shall violate any of the provisions of this Article, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100).

## ARTICLE 12

### *High Schools*

2326-147. SECTION 199. For the encouragement of high school education in Delaware, the State shall extend aid to such classes or groups of high schools, in such amounts, in such manner, and on such conditions

as hereinafter designated and described. All high schools of the State of Delaware receiving State aid shall be arranged by the State Commissioner of Education, subject to the provisions of this Article and the rules and regulations of the State Board of Education, as first class or first group high schools, and as second class or second group high schools.

First class or first group high schools shall meet and continue to fulfill the following minimum conditions and such other conditions as may be prescribed by the State Board of Education: (1) Each such high school shall be in session not less than one hundred and eighty (180) days each school year and give not less than four (4) years of high school instruction. (2) There shall be over each such high school a principal giving not less than one-fourth of his time to high school supervision; such principal may either be the Superintendent of Schools, holding a Superintendent of Schools' certificate as defined in Article 8 of this Chapter, or a principal holding a high school principal's certificate as defined in Article 8 of this Chapter. (3) There shall be employed in each such high school at least three (3) teachers, or the equivalent in time, of the usual high school studies, exclusive of science, each holding a high school teacher's certificate as defined in Article 8 of this Chapter. (4) There shall be employed in each such high school at least the following special high school teachers, each holding a high school teacher's certificate as defined in Article 8 of this Chapter: (a) a teacher of the industrial and the applied arts for boys. (b) a teacher of the household and applied arts for girls, and (c) a teacher of science and agriculture; such special high school teachers shall give to daily instruction such time as shall be determined by the rules and regulations of the State Board of Education. And (5) there may be employed in each such high school (a) on part or full time, a teacher of the commercial branches, (b) on part or full time, a teacher of music, (c) on part or full time, a teacher of physical training, and (d) on part or full time, such other teachers, each holding high school teachers' certificates as defined in Article 8 of this Chapter, as the respective Board of Education, on the recommendation of its Superintendent of Schools and subject to the approval of the State Commissioner of Education, may deem necessary to meet the high school needs of the community.

Second class or second group high schools shall meet and continue to meet the following minimum conditions and such other conditions as may

be prescribed by the State Board of Education: (1) Each such high school shall be in session not less than one hundred and eighty (180) days in each school year and give not less than two (2) or more than three (3) years of high school instruction. (2) There shall be over each such high school a principal holding a high and elementary school principal's certificate as defined in Article 8 of this Chapter and giving not less than one fourth of his time to high school supervision. (3) There shall be employed in each such high school at least two (2) teachers, or the equivalent in time, of the usual high school studies, exclusive of science, each holding a high school teacher's certificate as defined in Article 8 of this Chapter. (4) There shall be employed in each such high school at least the following special high school teachers, each holding a high school teacher's certificate as defined in Article 8 of this Chapter: (a) a teacher of the industrial and applied arts for boys, (b) a teacher of the household and applied arts for girls, and (c) a teacher of science and agriculture; such special high school teachers shall give to daily instruction such time as shall be determined by the rules and regulations of the State Board of Education. And (5) there may be employed in each such high school (a) on part or full time, a teacher of the commercial branches, (b) on part or full time a teacher of music, (c) on part or full time, a teacher of physical training, and (d) on part or full time, such other teachers, each holding a high school teacher's certificate as defined in Article 8 of this Chapter, as the respective Board of Education, on the recommendation of the Superintendent of Schools and subject to the approval of the State Commissioner of Education, may deem necessary to meet the high school needs of the community.

2326-148. SECTION 200. It shall be the duty of the State Commissioner of Education or an assistant designated by him to make an annual inspection of all high schools receiving State aid, and also such other schools as make application, through their respective Boards of Education, to receive said State aid. The State Commissioner of Education shall, on or before the fifteenth day of September of each year, prepare a list of high schools and submit the names for approval and adoption by the State Board of Education, designating the group to which each belongs, the amount of said State aid to which each is entitled, and to whom the same shall be paid. The preparation of this list shall be based on information obtained through inspection, supervision, written reports of

the principal or Superintendent of Schools or other reliable sources. He shall certify this list as approved and adopted by the State Board of Education to the State Treasurer, on or before the fifteenth day of September of each year, and the State Treasurer shall pay said amounts as certified above, on or before October the first of each year, to the Treasurers of the respective Boards of Education. Provided that not more than one high school for white children and not more than one high school for colored children in the same city or town shall be granted State aid, unless each additional high school for white children and each additional high school for colored children shall respectively have an average daily attendance in excess of two hundred (200) pupils.

2326-149. SECTION 201. Each first class high school or high school of the first group in the State shall receive State aid up to one half of the total amount paid locally for high school teachers' salaries, including one fourth of the salary of the principal or of the Superintendent of Schools serving as principal, provided that the State aid to any such high school shall not exceed twenty-four hundred dollars (\$2400) in any one school year. Each second class high school or high school of the second group in the State shall receive State aid up to one half of the total amount paid locally for high school teachers' salaries, including one fourth of the salary of the principal, provided that the State aid to any such high school shall not exceed sixteen hundred dollars (\$1600) in any one school year. Provided further that such State aid shall be in addition to any aid that such high schools may receive by reason of the provisions of the Smith-Hughes Vocational Education Act.

2326-150. SECTION 202. Boards of Education of special school districts shall admit to the high schools under their respective jurisdiction pupils from the county systems of schools, on the conditions and at the tuition rate prescribed by the State Board of Education.

2326-151. SECTION 203. All certificates or diplomas issued to students having completed a course of study in a State aided high school shall show the group to which said high school belongs, the course taken by the student, and the number of years of instruction given; and the graduates of any State aided high school providing four years of instruction shall be admitted without examination to the freshman class of any college of Delaware receiving financial aid from the State.

2326-152. SECTION 204. The State Board of Education, subject to

the provisions of this Article shall prepare courses of study to be used by the respective groups of high schools described in this article, and shall make rules and regulations for their government.

## ARTICLE 13

*Trustee of School Fund*

2326-153. SECTION 205. The State Treasurer shall be Trustee of the School Fund, with power to receive, sue for and recover any money, or property bequeathed, given or belonging to said fund, except stock of the Farmers Bank; to vote as holder of any stock belonging to said fund; to lease any real estate devised, given, or belonging thereto, for terms not exceeding three (3) years, and to distrain for and collect the rents thereon accruing, and to improve and manage such estate, as may be proper.

2326-154. SECTION 206. All moneys or property given, appropriated, or in said fund, are appropriated and dedicated to the purpose of free public education in the State of Delaware. The public faith is solemnly pledged for the faithful appropriation of all bequests, or gifts, to said fund toward the establishment and support of free public schools. The principal of said fund is inviolable, only the current income therefrom may be used, and no part of the income of said fund may be applied to any college or university.

2326-155. SECTION 207. The income of the School Fund shall be apportioned annually to the support of free public schools according to the provision of Section 213 of Article 14 of this Chapter.

2326-156. SECTION 208. The Auditor of Accounts shall each year as soon as possible after July first audit the investments, the business and financial transactions, and the records and the accounts of the Trustee of the School Fund. The Trustee of the School Fund shall publish the results of such audit, and shall also mention the name of any person who has made within the last year a gift, to said fund, with the amount, or value thereof.

## ARTICLE 14

*State Support and Distribution of State Support*

2326-157. SECTION 209. The State Treasurer shall charge against and pay as hereinbefore or hereinafter provided the annual appropriation

made by the General Assembly for the support of the State Department of Education, including the expenses of the State Board of Education, and the support and expenses of the office of the State Commissioner of Education; the annual appropriation for the payment of teachers' expenses for summer school attendance; the annual appropriation for the encouragement of the consolidation of schools; the annual appropriation to meet the provisions of the Smith-Hughes Vocational Education Act; the annual appropriation for the payment of the salaries of county superintendents, county supervisors and county attendance officers; the annual appropriation for State aid to approved high schools; the annual appropriation for State aid to elementary schools; and such other appropriations as may be made for the support and encouragement of the free public schools of the State.

2326-158. SECTION 210. Such appropriations as are made by the General Assembly for the payment of the expenses of the State Board of Education and for the support and expenses of the office of the State Commissioner of Education, also the appropriation for the payment of teachers' expenses for summer school attendance, the appropriation for the encouragement of the consolidation of schools, the appropriation for the payment by the State of the salaries of County Superintendents of Schools, of county supervisors and of county attendance officers, and the appropriation to meet the provisions of the Smith-Hughes Vocational Education Act and such money as is received from the Federal Government by reason of the provisions of the Smith-Hughes Vocational Education Act, shall be paid by the State Treasurer on the second Tuesday of January of each year, or as soon thereafter as possible, to the Treasurer of the State Board of Education, and the Treasurer of the State Board of Education shall pay out such funds only on orders signed by the President and the Secretary of the State Board of Education.

2326-159. SECTION 211. The State Treasurer shall pay such amounts as are due to the Treasurers of the respective County Boards of Education, and of the respective Boards of Education of special school districts, on account of the appropriation for State aid to approved high schools, as is provided for in Section 200 of Article 12 of this Chapter.

2326-160. SECTION 212. State aid to elementary schools shall include the entire income from the School Fund, the entire income from the Income Tax as provided for in Chapter 8 of Volume XXIX of the

Laws of Delaware, and such additional appropriation as the General Assembly may make for State aid to elementary schools.

2326-161. SECTION 213. The State Board of Education shall, on or before the fifteenth day of September in each year, beginning with the year 1919, certify to the trustee of the school fund every school district in this State in which are maintained free public schools adequate for the children of school age in such district, and conforming to the standards, rules and regulations prescribed by the said State Board of Education under the provisions of this Act. The State Treasurer shall apportion on or before the last day of September, in his capacity as Trustee of the School Fund and Treasurer of the State, the entire above mentioned amounts among all the school districts of this State (including all special school districts then in being) certified to him by the State Board of Education, as aforesaid. The entire above mentioned amounts shall be apportioned on the basis of the total elementary school enrollment during the preceding school year, as certified to each year on or before the fifteenth day of September by the State Commissioner of Education. Provided that neither the enrollment nor the attendance of pupils in high schools shall be taken into account in making this apportionment. On or before the first day of October of each year, the State Treasurer, in his capacity as Trustee of the School Fund and Treasurer of the State, shall pay in the above proportions the amounts due from State aid to elementary schools to the respective Treasurers of all the school districts in this State (including special school districts then in being) certified to him by the State Board of Education as hereinbefore in this Section provided, and he shall report to the State Commissioner of Education the amounts paid to each of the respective Treasurers.

#### MISCELLANEOUS

2326-162. SECTION 214. County Superintendents of Schools and Superintendents of Schools of special school districts in which deaf and dumb pupils reside, who receive oral instruction by a private tutor, shall see that appropriations for that purpose are so expended.

2326-163. SECTION 215. Unclaimed proceeds of sale of strays and fines imposed by virtue of stray laws shall be paid to the Treasurers of the respective County Boards of Education and Boards of Education of



the respective special school district, instead of as provided for in Chapter One Hundred and Four of the Revised Code.

2326-164. SECTION 216. That all Acts and all parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed to the extent of such inconsistency.

Approved April 14, A. D. 1919.







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